

L A W S
OF THE
S T A T E
OF
N E W - Y O R K.

SIXTEENTH SESSION.



NEW-YORK:
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C. W. A. I.



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L A W S

O F T H E

S T A T E o f N E W - Y O R K,

Passed at the first Meeting of the Sixteenth Session of
the Legislature of the said State,

C H A P. I.

An ACT to repeal the second section of the act, entitled "An act for appointing Electors in this State, for the election of a President and Vice-President of the United States of America."

A. D. 1792.
Ind. U. S. XVII.

Passed, 19th November, 1792.

WHEREAS by the second section of the act, entitled "An act for appointing Electors in this State, for the election of a President and Vice-President of the United States of America," it is enacted, "That the Electors shall be taken from the four great Districts of this State, as near as may be in the following proportions, that is to say; at and after the rate of four from the Southern, three from the Middle, three from the Western, and three from the Eastern District, which shall continue until another census shall be taken under the authority of this State" And whereas, there are only twelve Electors to be chosen in this State, so that it is impossible to take them from the four great Districts in the proportions aforesaid:—Therefore

Preamble.

Reasons for repealing a certain section of an act.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said second section of the said act, shall be and hereby is repealed.

The section repealed.

C H A P. II.

An ACT to enable the Mayor, Recorder and Aldermen of the City of New-York, to order the raising Monies by Tax, for the maintenance of the Poor, and for defraying the other contingent expenses, arising in the City and County of New-York.

Passed, the 7th December, 1792

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Mayor, Recorder and Aldermen, of the City of New-York, or the major part of them, of whom the Mayor or Recorder to be one, shall be, and hereby are fully authorized and empowered, as soon as conveniently may be, after the first day of May next, to order the raising a sum, not exceeding nine thousand two hundred pounds, by a tax on the real and personal estates, of the freeholders and inhabitants within the City and County of New-York, to be applied to the support and maintenance of the poor of the said City and County, the Bridewell and the criminals from time to time confined in the prison of the said City and County, and to the repairing and maintaining the public roads, regulating and improving the streets, and for paying the other contingent expenses, arising within and properly chargeable to the said City and County.

B

Corporation of New-York, empowered to raise by tax for poor, &c. £. 9200.

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Ind. U. S. XVII.

Also a further sum
of £ 1000, for com-
pleting certain im-
provements.

Also a further sum
of £ 5800, for a guard,
oil, lamps, &c.

How to be assessed
collected &c.

Allowance to the
collectors of the 7th
ward, and of the other
wards.

Allowance to the
Chamberlain

And be it further enacted, That it shall and may be lawful, for the Mayor, Recorder and Aldermen aforesaid, or the major part of them, of whom the Mayor or Recorder to be one, as soon as conveniently may be, after the said first day of May next, to order the raising a further sum, not exceeding one thousand pounds, to be assessed, raised and collected in the manner aforesaid, to be applied to completing the improvements at the Battery, and about the Government House, and making improvements in front of the Gaol, Alms House and Bridewell, in the said City.

And be it further enacted, That it shall and may be lawful, for the Mayor, Recorder and Aldermen aforesaid, or the major part of them, of whom the Mayor or Recorder to be one, as soon as conveniently may be, after the said first day of May next, to order the raising a further sum, not exceeding five thousand eight hundred pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the said City, on the South side of a line, beginning at the outlet of the Meadows of Anthony Lispenard, into Hudsons River; thence extending to and along the North side of the dwelling house of Nicholas Bayard; thence to and along the North side of the dwelling house of John R. Livingston, Esquire, and thence to and along the North side of the dwelling house of Abraham Cannon, to the East River, to be applied to the payment of so many Watchmen, as the Mayor, Aldermen and Commonalty of the said City, in Common Council Convened, shall from time to time think necessary for guarding the said City, and also the purchasing Oil, providing Lamps, and repairing and attending the Lamps, which now are and from time to time hereafter may be erected within the said City, and for the payment of such other contingent charges of the said City, arising within the limits above mentioned and properly chargeable thereto, as the Mayor, Aldermen and Commonalty of the said City, in Common Council Convened, shall think necessary, and from time to time direct; which said several sums of money, shall be rated and assessed according to the estate of each respective person so to be taxed, and be collected in one payment, and paid into the hands of the Treasurer or Chamberlain of the said City, at such time after the said first day of May next, as the said Mayor, Recorder and Aldermen, or a major part of them shall direct and appoint, any thing in the second section of the statute, entitled "An act for the more effectual collection of taxes in the City and County of New-York," contained to the contrary notwithstanding.

And be it further enacted, That it shall and may be lawful for the Collectors in the seventh ward of the said city, to retain in their hands the sum of one shilling in the pound, and the Collectors in the several other wards, the sum of nine pence in the pound, and no more, for their trouble in collecting and paying to the Treasurer or Chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall and may be lawful for the said Treasurer or Chamberlain to detain in his hands, the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

C H A P. III.

An ACT to raise a sum of money for completing the Court-House and Gaol in Kings county.

Passed the 7th December, 1792,

Preamble respect-
ing raising money for
completing a Court-
House and Gaol.

Supervisors to di-
rect the raising £. 300

Allowance to the
Collector.

Supervisors when
and where to meet.

Poundage for col-
lecting.

Sum when raised, to
be paid into County
Treasury.

County Treasurers
allowance.

Treasurers duty in
paying said monies to
the commissioners.

WHEREAS the Judges and Supervisors of Kings County have by their petition requested the Legislature, to enable them by law to raise a sum of money for completing of the Court-House and Gaol of the said county.—Therefore

Be it enacted, by the People of the State of New-York, Represented in Senate and Assembly, That the Supervisors of the several Towns in the said County for the time being, or the major part of them, shall be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said County, a sum not exceeding three hundred pounds, for completing the Court-House and Gaol of the said County, with the additional sum of nine pence in the pound for collecting the same, which said sums shall be raised, levied and collected in the like manner as the other necessary and contingent charges of the said county are levied and collected.

And be it further enacted, That the Supervisors of Kings county, or the major part of them, shall meet at the house of James Van Baren, in Flat-Bush in the same County, on the third Tuesday of December, in the present year, for the purpose of directing such sum as they shall order to be raised for the purposes aforesaid, together with the poundage for collecting the same to be raised and levied, and it is hereby made the duty of the Clerk of the Supervisors of the County, to notify the said Supervisors of such meeting.

And be it further enacted, That the sum so to be raised, exclusive of the collectors poundage, shall be collected and paid into the Treasury of the said County, on such day or days, as the Supervisors of the said County for the time being, or the major part of them shall direct.

And be it further enacted, That it shall and may be lawful for the Treasurer of the said County, to retain in his hands the sum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raised by this act.

And be it further enacted, That it shall and may be lawful for the Treasurer of the said County, to pay to the commissioners appointed to erect and build the said Court-House, from time to time, such part of the monies to be raised and collected in and by virtue of this

act, as they shall draw for, to be accounted for in the same manner as the monies directed to be raised in virtue of the act, entitled "An act for building a Court-House and Gaol in Kings County," passed the tenth of March, one thousand seven hundred and ninety one, are to be accounted for.

A. D. 1792.
Ind. U. S. XVII.

C H A P. IV.

An ACT to cede the jurisdiction of certain lands on Montock-Point, to the United States of America, for the purposes therein mentioned.

Passed the 18th December, 1792.

WHEREAS, by an act of the Congress of the United States of America, entitled, "An act to erect a Light-house on Montock-Point, in the State of New-York." Passed the 12th day of April, 1792, it is enacted and declared, "That as soon as the jurisdiction of such land on Montock-Point, in the State of New-York, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a Light-house, shall have been ceded to the United States, a Light-house may be erected thereon." And whereas it is meet and proper that such cession should be made under certain limitations. Therefore

Preamble.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the jurisdiction in and over all that certain tract of land at Montock-point, in the county of Suffolk, within this State, and herein after particularly described, shall be, and hereby is ceded to the United States of America, for the purposes aforesaid: *Provided nevertheless*, that such jurisdiction so ceded as aforesaid, shall not extend, or be construed to extend, so as to impede or prevent the execution of any process at law under the authority of this State, except so far forth, as such process may affect any the real or personal property of the United States within the said tract, and that all the lands and tenements within the said tract shall be, and forever hereafter are exonerated and discharged from any taxes which may be laid under the authority of the Legislature of this State, and the tract of land above mentioned, in and over which the jurisdiction is so ceded as aforesaid, is more particularly known by the name of Turtle Hill, and is butted and bounded as follows, to wit: Beginning at the beach and at a rock laying on a hommock at the bottom of the said Hill, and runs thence North eighty two degrees West eleven chains and fifty eight links; thence South five degrees West five chains; thence South fifteen degrees East nine chains, to a rock marked *John Champlain*, 1788; thence on the same course to low water mark; thence North-easterly along low water mark until the point of beginning, bears North eighty two degrees West, thence to the place of beginning.

Jurisdiction of Montock Point ceded to the United States.

With a certain Provision.

Montock Point, known by the name of Turtle-Hill. Its boundaries.

C H A P. V.

An ACT for electing Representatives for this State, in the house of Representatives of the Congress of the United States of America.

Passed the 18th December, 1792.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That for the purpose of electing Representatives in this State, for the house of Representatives of the Congress of the United States of America, this State shall be, and hereby is divided into ten election districts, as follows, that is to say; the City and County of New-York shall be one district; and the Counties of Suffolk, Queens and Kings, shall be one district; and the Counties of Westchester and Richmond shall be one district; and the County of Orange and the County of Ulster shall be one district; and the County of Dutchess shall be one district; and the county of Columbia shall be one district; and the Counties of Rensselaer and Clinton shall be one district; and the city and County of Albany shall be one district; and the Counties of Washington and Saratoga shall be one district; and the Counties of Montgomery, Otsego, Tioga, Herkemer and Ontario shall be one district; and that at every election for Representatives of the People of this State in the House of Representatives of the Congress of the United States of America, a person who shall have attained the age of twenty five years, and who shall have been seven years a citizen of the United States, and who shall then be an inhabitant of this State, shall be chosen in each of the said districts for one of the said Representatives by the inhabitants of such district, that is to say, by such persons, inhabitants of such district as are or shall be qualified to vote for members of the Assembly of this State, each of whom shall be entitled to vote for one person as such Representative, and the person who shall have the greatest number of votes in any district, shall be the Representative chosen in such district; and all such elections shall be held and conducted by such persons, and in the same manner as the elections for members of the Assembly of this State are by law to be held and conducted, and upon closing the poll at every such election, both poll books or lists shall, after due examination and correction thereof, be signed by the Inspectors then attending, and the Clerks who shall have kept the same respectively; and the box containing the ballots shall then be opened, and the ballots con-

The State divided into ten election Districts.

Qualification of persons who may be elected.

And of the electors.

Mode of conducting such elections.

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Inspectors duty on
closing the poll.

Ballots, by whom and
when to be delivered to
the Sheriff.

The Sheriff's duty.

The Secretary's du-
ty.

The Sheriff's mile-
age, and how paid.

Persons not being
Sheriffs, bringing bal-
lot boxes to the Secre-
tary's office, to make
oath as to the faithful
delivery thereof.

In case of accidents
happening to a Depu-
ty, any proper person
may take charge of the
box, and deliver it on
oath into the Secreta-
ry's office.

Which box and affi-
davit is to be delivered
to the Canvassers.

Who are to open,
&c. the same, if they
find no appearance of
fraud.

First election, and
future general electi-
ons, when to be held.

Adjournments not to
exceed five days.

Committee of Can-
vassers.
Their authority and
duty.

As to the time of
meeting and canvass-
ing.

When they shall de-
termine who are cho-
sen—Subscribe a certi-
ficate thereof—Notify
the members and house
of representatives.

Vacancies happening
between any general
elections, how to be fil-
led.

The Governor to
give notice by procla-
mation, &c. &c.

tained therein, be taken out, and without being opened or inspected, shall, together with both boll books or lists be immediately put up under cover and inclosed and sealed in such manner as to prevent its being opened without discovery, and the Inspectors present at closing the poll shall put their seals and write their names upon the same enclosure, and one of the said Inspectors then present, to be appointed for that purpose by a majority of the Inspectors present at closing of the poll, shall without delay, and within five days thereafter, deliver the same enclosure so sealed up as aforesaid, to the Sheriff of the County, who shall, upon receiving the said enclosures, without opening or inspecting the same or any of them, put the said enclosures into a box which shall be well closed and sealed up by him, and he shall write his name and the name of his county on the said box, and shall within eighteen days thereafter, either in Person or by his Deputy, deliver the said box without opening the same or the enclosures therein contained, into the office of the Secretary of this State, where the same shall be safely kept by the Secretary of this State or his Deputy, unbroken and unopened until the meeting of the committee or persons herein after mentioned and appointed to canvass and estimate the ballots therein contained, when all the said boxes shall be delivered unbroken and unopened to them; and for which service the Sheriffs of the respective Counties shall be allowed at and after the rate of one shilling and six pence per mile for going to the Secretary's office, to be computed from the Sheriffs place of abode in each County, to the Secretary's office, and to be paid on the certificate of the Secretary by the Treasurer of the State, out of any monies then in his hands not otherwise appropriated.

And be it further enacted, That if the box containing the ballots taken in any County, shall not be delivered to the Secretary or his Deputy, by the Sheriff of the County in Person, then the Person who shall deliver the said box to the Secretary or to his Deputy, if he received it from the Sheriff, shall on delivery thereof, make oath, to be administered by either of them, that he received the said box from the Sheriff of the County, and that the same has not been opened, nor any of the packages therein contained, altered since he so received the same: But in case the person charged with the box by the Sheriff, shall by sickness, or any other unavoidable accident be prevented from delivering the same box at the Secretary's office, then and in every such case, it shall be lawful for any other proper person to carry the said box to the said Secretary's office, and to make an affidavit before the Secretary or his Deputy, stating the circumstances and how he became possessed of the box, particularly, and that the same box has not been opened, nor any of the packages therein contained altered, since he so received the same. And the Secretary or his Deputy, shall deliver the same box and affidavit to the persons who may attend to canvass the ballots, who shall receive and examine the same, and if there shall be no appearance of the said box having been opened, they shall open the same and examine the packages therein contained; and if they appear not to have been opened or altered, then they shall open the said packages and canvass and estimate the ballots therein contained.

And be it further enacted, That the first election in this State for such Representatives as aforesaid, shall begin and be held on the fourth Tuesday of January next; and the next general election for such Representatives in this State, shall begin and be held on the second Tuesday of December, which will be in the year, one thousand seven hundred and ninety four, and every subsequent general election for such Representatives in this State, shall be held on the second Tuesday of December in every second year thereafter, and from which days, the same may be respectively continued by adjournment, if necessary, from day to day, not exceeding five days, until the same shall respectively be completed.

And be it further enacted, That the committee annually to be appointed by virtue of the act, entitled "An act for regulating Elections," or the major part of them, shall, and hereby are authorized and required, to canvass and estimate the votes to be taken at any election for such representatives, and shall on the fourth Tuesday after the commencement of every general election, meet together at the office of the Secretary of this State, and there on that day and on so many days next succeeding thereto, (Sundays excepted) as shall be necessary for that purpose, proceed to open the said boxes, one after the other, and the enclosures therein contained respectively, and canvass and estimate the votes therein contained, returned into the office of the Secretary of this State as aforesaid, and as soon as they shall be able to determine upon such canvass and estimate, who by the greatest number of votes, shall have been chosen a member of the house of Representatives of the Congress of the United States of America, in each of the said districts respectively, and within fourteen days next after the first day of their meeting as aforesaid, they shall determine the same; and thereupon without delay, make and subscribe with their own names and hands writing, a certificate of such determination, in a book to be kept for that purpose, in the said Secretary's office, there to remain of record, and without delay, deliver or cause to be delivered, a true copy thereof so subscribed as aforesaid, to each of the persons so elected respectively, and another copy so subscribed as aforesaid, to the house of Representatives of the Congress of the United States of America, at their next meeting.

And be it further enacted, That in case of any vacancy or vacancies by death or otherwise, in the said office of Representative, between any of the said general elections, the person administering the government of this State for the time being, shall by proclamation, give notice thereof, and shall in such proclamation signify in which of the said districts, the person or persons is or are to be elected to fill such vacancy or vacancies, and shall also ap-

point a day, not less than forty nor more than sixty days, from the day of the publication of such proclamation, for holding an election in such district or districts, to fill such vacancy or vacancies, and cause a copy of such proclamation to be delivered to each Sheriff in such district or districts; and the respective Sheriffs, shall thereupon give notice in writing of such election, to the Supervisor or one of the Inspectors of elections of each of the several Towns and Wards of such district or districts in their respective bailiwicks, within eight days after receiving such proclamation, and each of the said Supervisors and Inspectors shall, immediately after receiving such notification, give notice thereof to the Town Clerk and Assessors, or other Inspectors of elections of the same Town or Ward, and the several and respective Supervisors, Town Clerk and Assessors of each Town, or the major part of them, and the Inspectors of elections for each Ward, or the major part of them, shall without delay convene together, and by writing under their hands, to be affixed up in at least five of the most public places in such Town or Ward, give eight days notice of the time and place or places of holding such election in the same Town or Ward, and such elections shall be held and conducted by the same persons and in the same manner as the general election for Representatives are herein before directed to be held and conducted, and the poll books or lists and ballots taken at such election, shall be disposed of in the same manner as the poll books or lists and ballots taken at the general election for Representatives; and the person administering the government of this State for the time being, shall immediately upon issuing his proclamation as aforesaid, by special messengers at the expense of this State, cause notice to be given in writing to each member of the said canvassing committee, and require his attendance at the office of the Secretary of this State, at a certain day, not less than twenty eight days nor more than thirty five days after the day appointed in the said proclamation for holding such election, to canvass and estimate the votes taken as aforesaid, and such canvass and estimate shall be made in the same manner, and such certificate given as is and are herein before directed upon a general election of Representatives.

And be it further enacted, That it shall and may be lawful for the Inspectors of any election to be held as aforesaid, or the major part of them, to hold the poll at such place or places, in any Town or City within this State, as may appear to them the most convenient for the electors, they having previously inserted in the notices given of such election, the place or places where, and the times when such elections are to be held.

And be it further enacted, That in case no such committee shall be appointed, or if such committee should not meet as aforesaid to canvass and estimate the votes taken at a general election, or at any election to fill such vacancy or vacancies, then it shall be the duty of the Secretary of this State for the time being, to give notice thereof to such Senators as shall have been returned at the then last election, to serve in the Senate of this State and require their attendance at the office of the Secretary of this State at a certain day, not less than twenty days, nor more than thirty days after the date of such notice to canvass and estimate the votes taken at such election, and such Senators, or the major part of them, shall be and hereby are in such cases authorized and required, to canvass and estimate the votes taken at such election; and to do, execute and perform, all and every thing and things in and about the premises, in the same manner as such joint committee might or ought to have done.

And be it further enacted, That when a majority of the said joint committee, or a majority of the survivors of them, or the major part of the said Senators, shall meet as aforesaid, for the purpose of canvassing and estimating the votes taken at any such election, such majority shall be and hereby are authorized, empowered and required, to proceed to such canvass and estimate; and all questions which shall arise upon such canvass and estimate, or upon any of the proceedings therein, shall be determined according to the opinion of the major part of the persons so met conformable to this act.

And be it further enacted, That the said joint committee, and the said Senators, or such of them as shall at any time attend to make such canvass and estimate, shall before they proceed to open any of the boxes delivered as aforesaid, severally take and subscribe before the Secretary of this State or his sworn Deputy, or a master in Chancery, the following oath, to wit, "I ——— one of the joint committee appointed by the Senate or Assembly, (as the case may be) pursuant to the act, entitled "An act for regulating elections;" or, "I ——— a member of the Senate of the State of New-York, do solemnly and sincerely swear and declare, that I will honestly and impartially canvass and estimate the votes taken at the last election, for members, or a member (as the case may be) of the house of Representatives of the Congress of the United States of America, contained in the boxes or box (as the case may be) delivered into the office of the Secretary of this State, and now produced to me by the Secretary or his Deputy, (as the case may be) and that I will publish and declare the person who hath the greatest number of votes, or the respective persons who have the greatest number of votes, returned into the office of the Secretary of this State as aforesaid, in each district respectively, (as the case may be) to be elected a member or members of the house of Representatives of the Congress of the United States of America, and if I shall discover any of the other persons appointed a committee with me, (or who shall attend with me) for the purpose aforesaid, conducting himself or themselves, partially, unduly or corruptly in the premises, that I will discover the same, to the end, that the person so offending may be brought to justice." Which oath shall be entered of record, by the Secretary or his Deputy, in the same book in which the certificate of the determination upon such canvass and estimate, is to be entered as aforesaid.

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The Sheriff's duty thereupon.

The duty of the Supervisors, Inspectors, Town clerks and Assessors, and others

Such elections to be held, and ballots &c. disposed of as at general elections.

Canvassing committee, how notified and when to attend at the Secretary's office.

Their authority.

Places of election, how to be appointed.

When the Senators last returned shall be notified by the Secretary to attend as canvassers.

Their duty the same as that of the joint committee.

All questions upon the canvass, &c. to be determined by a majority of the canvassers met.

The canvassers oath

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Number of ballots exceeding the number of electors—The excess to be drawn out and disposed of.

Two or more ballots folded or rolled up together, how to be disposed of.

Persons guilty of bribery, corruption, neglect or refusal of duty, liable to certain pains and penalties.

When officers are not to call out the militia, on pain of forfeiting £ 200.
How to be recovered and applied.

When civil process shall not be served on voters.

Continuance of this act until a future census.

And be it further enacted, That if the number of ballots in any enclosure shall exceed the number of electors mentioned on the poll lists contained in the same enclosure, then the said committee shall draw out unopened, so many of the said ballots as shall amount to the excess, and shall proceed to canvass and estimate the residue. And if two or more ballots or tickets shall be found folded or rolled up together, none of the ballots so folded up together shall be estimated, and such excess shall be sealed up by the canvassers in a paper to be marked *surplus ballots*, and where two or more ballots are so folded or rolled together, the same shall also be sealed up in a separate paper, and a proper indorsement made thereon to designate the contents, and both papers shall with the other ballots be returned to their proper boxes, and committed to the custody of the Secretary.

And be it further enacted, That if any person shall be guilty of bribery or corrupt conduct at any such election, or in any of the duties required of him by this act, or shall neglect or refuse to perform any of the duties required of him by this act, every such person so offending, shall be liable to the same pains and penalties as are imposed for the like offences in and by the act entitled, "An act for regulating elections," and to be recovered and applied in the manner therein directed.

And be it further enacted, That no officer or other person shall call or order any of the Militia of this State to appear or exercise on any day or at any time during any such election, or at any time within ten days before the ordinary and established days of holding such elections, (except in cases of invasion or insurrection) on pain of forfeiting the sum of two hundred pounds for every such offence, to be recovered by any person who will sue for the same, with costs, the one moiety of such penalty to his own use, and the other moiety thereof to the use of the people of the State.

And be it further enacted, That it shall not be lawful for any officer or minister of Justice to serve any civil process in any City or Town in this State, on any person entitled to vote at any such election, between the day preceding such election and the day subsequent to the closing of the poll at such election in such City or Town.

And be it further enacted, That this act shall continue in force until a future census of the inhabitants of this State shall be taken by virtue of the Constitution of this State, or by any law of the Legislature thereof, or of the Congress of the United States of America, and no longer.

C H A P. VI.

An ACT for the relief of Cadwallader Colden, and others. Passed the 18th December, 1792.

Preamble respecting Cadwallader Colden's claim against J Weatherhead's and J T Kempe's forfeited estates
Its liquidation by the Chancellor

Part of his demand already paid,

His demand for the balance, how to be liquidated and paid.

Proviso.

Preambles respecting James M'Evers's claim on the forfeited estate of William Bayard.

Praying relief.

WHEREAS it appears to the Legislature, that Cadwallader Colden, surviving executor of the last will and testament of Cadwallader Colden, Esquire, deceased, had a claim against the forfeited estates of John Weatherhead and John Tabor Kempe, which claim was liquidated by the Chancellor of this State, at one thousand and fifteen pounds, eleven shillings and eight pence, by virtue of the "act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned," part of which demand the said Cadwallader Colden hath received from his agent in Europe. *And whereas,* the said Cadwallader Colden hath received eight hundred pounds in part of the said demand, as appeareth by his petition, by reason of which, he the said executor could not take the oath prescribed in and by the said act, to entitle him to receive the balance from the Treasurer of this State. Therefore

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Treasurer of this State, shall liquidate the demand of the said Cadwallader Colden, surviving executor of the last will and testament of Cadwallader Colden, Esquire, deceased, according to the directions of the said act, and after deducting from the liquidated amount the said eight hundred pounds, with the interest accrued thereon subsequent to the receipt thereof by the said executor, to pay the balance to the said executor, or to his legal representative, out of any monies not already appropriated. *Provided always,* That there shall be in the Treasury a sum equal to such balance, arising from the forfeited estates of the said John Weatherhead and John Tabor Kempe.

And whereas, James M'Evers hath set forth by his petition, that his father, James M'Evers, late of the City of New-York, Merchant, did become bound with William Bayard, formerly of the said City, as his surety by bond unto Henry Cuyler of Greenbush, in Rensselaer county, bearing date the fifteenth day of February, in the year of our Lord one thousand seven hundred and sixty-five, amounting to two thousand six hundred and twenty pounds, with lawful interest on the same. *And whereas,* The said James M'Evers died some time in the year one thousand seven hundred and sixty-eight, leaving a widow and seven orphan children. *And whereas,* A suit has been commenced against the heirs and devisees of the said James M'Evers, and a recovery had in the Supreme Court of this State, in the term of April, in the year of our Lord one thousand seven hundred and ninety-one. *And whereas,* the said William Bayard paid the yearly interest on the said bond from the execution of the same, to the fifteenth day of January, one thousand, seven hundred and seventy-six, and that the said William Bayard, during the late war between the King of Great-Britain and the United States of America, was convicted of the offence of adhering to the enemies of this State, and his estate became thereby forfeited, and the produce thereof

deposited in the Treasury of this State, and the said James M'Evers prays that the Legislature will grant relief in the premises, by directing the amount remaining due upon the said bond to be paid out of the forfeited estate of the said William Bayard: Therefore,

Be it further enacted, That it shall and may be lawful for the said heirs and devisees of the said James M'Evers, to present a petition to the Chancellor or one of the Judges of the Supreme Court of Judicature of this State for the time being, stating their claim against the estate of the said William Bayard, giving the attorney General of this State at least twenty days previous notice thereof, and delivering to him a copy of such petition with the said notice, in order that he may attend in behalf of the people of this State, and the Chancellor or Judge to whom such petition shall be addressed and presented, shall be, and hereby is authorized and required to hear and examine the said claim of the said heirs and devisees, and all matters concerning the same, and to determine and ascertain whether any, and what sum of money ought to be paid out of the estate of the said William Bayard, to indemnify the said heirs and devisees against any security given by the said James M'Evers for the said William Bayard, or to repay the said heirs and devisees any money they shall have been compelled to pay on account of any such security, and shall make and subscribe a certificate of such determination, directed to the Treasurer of this State, and the said Treasurer is hereby authorized and required to pay to the said heirs and devisees, out of any money then in the Treasury not otherwise appropriated, such sum as shall be ascertained by such certificate to be due or payable to them out of the estate of the said William Bayard, taking a receipt for the same upon the said certificate; *Provided* there shall be so much money then in the Treasury arising from the estate of the said William Bayard, and if there shall not be so much, then the Treasurer shall pay the amount then remaining in the Treasury, and no more.

And whereas, Charles M'Evers, of the City of New-York, merchant, executor of the last will and Testament of James M'Evers, deceased, hath set forth by his petition, that Beverly Robinson, late of the County of Dutchess, was indebted to James M'Evers in his lifetime, in the sum of four hundred and seventy-two pounds sixteen shillings and six pence, lawful money of New-York, and that the said Charles M'Evers did procure a bond to be executed by the said Beverly Robinson for the said debt, in the penal sum of nine hundred and forty-five pounds thirteen shillings, and that the said bond is now due and unpaid. *And whereas* the said Beverly Robinson was by an act of the Legislature of this State, passed the second day of October, one thousand seven hundred and seventy-nine, convicted and attainted of adhering to the enemies of this State, and all his estate forfeited to the people of the same. *And whereas,* the said Charles M'Evers did commence a suit in England against the said Beverly Robinson, who filed a bill in the Court of Chancery in England, and procured an injunction to stay proceedings in the said suit. *And whereas,* the said Charles M'Evers was unable to prove his said debt, and to receive satisfaction for the same out of the forfeited estate of the said Beverly Robinson, within the time limited by law, by reason the said suit was then depending in Great-Britain, and it being required by the said law, that an oath should be taken by the said Charles M'Evers *that he* expected no further compensation for the said debt, than that allowed by law out of the forfeited estate of the said Beverly Robinson, and the said Charles M'Evers humbly prays, that on making due proof of the said debt, he may be paid the amount thereof out of the proceeds of the forfeited estate of the said Beverly Robinson. Therefore

Be it further enacted, That it shall and may be lawful for the said Charles M'Evers, executor of the said James M'Evers, to present a petition to the Chancellor, or one of the Judges of the Supreme Court of Judicature of this State for the time being, stating his claim against the estate of the said Beverly Robinson, giving the Attorney General of this State, at least twenty days previous notice thereof, and delivering to him a copy of such petition with the said notice, in order that he may attend in behalf of the people of this State; and the Chancellor or Judge to whom such petition shall be addressed and presented, shall be, and hereby is authorized and required to hear and examine the said claim of the said Charles M'Evers, and all matters concerning the same, and to determine and to ascertain whether any and what sum of money ought to be paid out of the estate of the said Beverly Robinson, and shall make and subscribe a certificate of such determination, directed to the Treasurer of this State, and the said Treasurer is hereby authorized and required to pay to the said Charles M'Evers, out of any money then in the Treasury not otherwise appropriated, such sum as shall be ascertained by such certificate to be due, or payable to the said Charles M'Evers out of the estate of the said Beverly Robinson, taking a receipt for the same upon the said certificate: *Provided* there shall be so much money in the Treasury, arising from the estate of the said Beverly Robinson; and if there shall not be money enough to discharge the same, then the Treasurer shall pay the sum in the Treasury, and no more: *Provided always,* that the said bond was executed before the ninth day of July one thousand seven hundred and seventy-six.

And be it further enacted, That the said Charles M'Evers and James M'Evers shall, previous to their receiving the sums of money which shall be certified to be due to them as aforesaid, each of them separately enter into bond, with one sufficient surety, to the said Treasurer, to refund to the said Treasurer or his successor in office, a rateable proportion

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Mode of relief.
By application to the
Chancellor or a Su-
preme Court Judge.

Who is to examine
the claim, and ascertain
what money ought to
be paid, if any.

and make a certificate
thereof, directed to the
Treasurer for payment.

Proviso.

Preambles.
Charles M'Evers's
claim against the for-
feited estate of Beverly
Robinson.

His reason for not
applying in the time li-
mited by a former law.

Mode of relief, by
application to the Chan-
cellor or a Judge of the
Supreme Court.
Attorney General to
be notified.
His duty.

Chancellor's or
Judge's certificate di-
rected to the Treasurer
for payment
Proviso, directing
the Treasurer.

Charles and James
M'Evers to give bonds
to the Treasurer to re-
fund.

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of any sum or sums of money, which this State may hereafter be obliged to pay in satisfaction of any claim or claims of dower, which may arise upon the forfeited estates of the said Beverly Robinson and William Bayard, respectively, unless there is a sufficiency in the Treasury to satisfy the said dower or dowers, when the recovery as aforesaid is obtained, comparing the sum or sums so received as aforesaid, with the respective balances now in the Treasury of this State, that have arisen from the forfeited estates aforesaid.

C H A P. VII.

An ACT further to continue the Treasurer of this State in office.

Passed the 18th of December, 1792.

The Treasurer continued.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That Gerard Bancker, shall be and hereby is continued in office, as Treasurer of this State, until sixty days after the rising of the Legislature at their next meeting after the first Monday in July, which will be in the year of our Lord, one thousand seven hundred and ninety four.

His oath of office.

And be it further enacted, That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall on or before the first day of April next, appear before one of the Judges of the Supreme Court of this State, and take the following oath, viz. "I Gerard Bancker, appointed Treasurer of this State, do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will during my continuance therein, well, faithfully and honestly, to the best of my knowledge and ability, execute the office of Treasurer of this State, and that I will not on any occasion or pretence, apply any money or securities which shall or may come to my hands, as belonging to this State, to any private uses or purposes whatsoever; and that when my accounts as Treasurer shall be examined, in manner directed by law, I will exhibit an account of such monies and securities, under this my oath of office, so help me God."

To give bond with sureties, to the Speaker.

And be it further enacted, That the Speaker of the Assembly for the time being, shall take a bond from the above named Gerard Bancker, on or before the first day of April next, with not less than four sufficient sureties to the people of this State, in the sum of twenty thousand pounds, lawful money of this State, with a condition, that the said Gerard Bancker, shall and will, well, faithfully and honestly execute and perform the duties of the said office; which bond, when so taken shall be lodged in the Secretary's office of this State.

To be lodged in the Secretary's office.

When said bond shall be discharged.

And be it further enacted, That if the said Gerard Bancker, shall upon the expiration of the time, for which by this act he is continued in office, procure and lodge in the office of the Secretary of this State, a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker, expressing that his accounts as Treasurer, are regularly stated and balanced, and also that the balance of monies and securities belonging to the State, if any there be, are actually in the Treasury, or deposited as directed by law, such certificate when lodged in the office of the Secretary of the State as aforesaid, shall be to all intents and purposes a discharge of the bond directed by this act to be given by the Treasurer, with sureties, for the faithful performance of the duties of his office as aforesaid.

C H A P. VIII.

An ACT to amend an Act, entitled, "An Act for establishing and opening Lock Navigations within this State."

Passed the 22d of December, 1792.

Preamble shewing the necessity of further Legislative interposition.

WHEREAS the President and Directors of the company incorporated by the name and stile of "The President, Directors, and Company of the Western Inland Lock Navigation, in the State of New-York," and the President and Directors of the company incorporated by the name and stile of "The President, Directors, and Company of the Northern Inland Lock Navigation, in the State of New-York," have respectively, in behalf of the stockholders in the said companies, represented to the Legislature, that by reason of sundry of the provisions, restrictions, and limitations contained in the act entitled, "An Act for establishing and opening Lock Navigations within this State," passed the 30th day of March, 1792, the progress of the improvements to the internal navigation, for which the said companies were incorporated, will be greatly retarded, if not entirely arrested, unless further legislative interference shall be interposed: To the end, therefore, that improvements, whose object is extensive benefit to the community, may not be impeded, and to render the advantages which are contemplated to result therefrom as mutual, between the citizens at large and the said companies respectively, as the nature of the case will admit.

The breadth of the canal's.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the President and Directors of the said corporation, and their successors severally and respectively, to construct any and every canal and lock which they may deem necessary to make, of any breadth at their option. Provided that every such canal and lock shall not be less than ten feet broad at the bottom or base, nor any lock less than seventy feet long between the gates thereof, any thing in the said act to the contrary hereof notwithstanding.

And be it further enacted by the authority aforesaid, That if in the greater part of the time between the first day of March and the first day of December in every year, the water in the canals and locks to be constructed by the said Presidents and Directors, or by their successors respectively, and the water in the creeks and rivers into or through which vessels shall pass to and from any such canal or lock, shall be of such depth as that vessels drawing two feet of water when laden can pass through, the Incorporations aforesaid shall not cease, become void and forfeited, if in the residue of the period aforesaid there shall not be a sufficiency of water to permit vessels drawing two feet of water to pass through such canals, locks, creeks, or rivers, any thing in the said act to the contrary notwithstanding.

And whereas, by the seventh section of the said act, it is enacted, that the said corporations, previously to their respectively entering upon any lands with intent to appropriate the same, the improvements for which the said incorporations were created, shall purchase such land, or shall cause the same to be appraised in manner directed by the said seventh section. And whereas, before such appraisalment can be obtained, much injury may be sustained by the said corporations, and the improvements by them intended arrested to the detriment as well of the community as of the said corporations. For remedy whereof,

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each of the said corporations, by its President and Directors, or by any superintendant, agent, or engineer appointed under the seal of the said corporations respectively, to enter into and upon all and singular any land or lands, whether covered with water or not, which they or either of them may deem necessary for the prosecution of the improvements aforesaid, or whereon or whereby to construct any canal, lock, dyke, embankment, pond, dam, or other work intended or permitted by the said act, and by this act to be so constructed, and that without the leave and permission of the owner or owners, proprietor or proprietors of such land first had and obtained; and having so entered, to dig, trench, and use the said lands for the purposes aforesaid, together with one hundred feet more of such land on each side of any canal, lock, dyke, embankment, pond, dam, or other device relative to the said improvements, and to appropriate the same land to such uses as to the said corporations respectively shall seem proper, any thing in the said act to the contrary hereof in any wise notwithstanding. *Provided nevertheless*, that in every case where such entry shall be made, and occupancy had as before said on the part of the said corporations, or either of them, other than by and with the consent of the owner or owners, proprietor or proprietors of such land, it shall be and is hereby made the duty of the President and Directors of the said companies severally, within forty days next after such entry has been made on the part of either of them, to solicit an appraisalment of the property so taken, and of the damages sustained by the party or parties from whom the same was taken in manner directed by the said seventh section, and in default of obtaining such writ as in the said seventh section is directed within the said forty days, the party or parties aggrieved shall be entitled to fourfold the amount of the damages sustained by such entry, taking and occupying, to be recovered in any court of record having cognizance thereof, with costs of suit. *Provided* that the powers hereby granted to the said corporations of making entries into lands shall not continue beyond the completion of the said canals, or if not completed in the mean time beyond the period limited by the former act for completing the same, saving also to the proprietors of any lands that shall be contained within the one hundred feet aforesaid, the right of a way or ways to pass to and from his, her or their land, as is provided in and by the eighth section of the act hereby amended.

And for the further encouragement of the said Corporations, to prosecute the objects of their institution.

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each of the said corporations, at all times hereafter, and at any place where they shall have constructed a canal, lock, embankment, dyke, pond, dam, or other improvement, to take and make use of the water contained therein, or in either of them, either for Mills or any other Hydraulic works, which the said Corporations respectively may erect, or cause to be erected, or to let the use of such water to any person whomsoever for the use of Mills or other Hydraulic works, or for irrigating any lands, or for supplying Bleach-grounds, Tanneries, Brick-yards, or to any other purpose to which such water is capable of being applied; and the net profits or rents resulting therefrom, to distribute amongst the Stockholders, in proportion to their respective shares, as a free gift from the people of this State, exclusive of and over and above the per centage which the said companies are by the said act permitted to divide, as arising from the toll mentioned in the said act.

Provided always, That no such use shall be made of the water running through, or standing in any canal, lock, river or creek, if the canal, lock, creek or river, at the place where such water shall be taken therefrom, shall by such use be rendered incapable of carrying vessels drawing two feet of water when laden. And

Provided further, That the monies which may be laid out or expended by either of the said Companies on any special works which they may erect by virtue of this clause, shall not be considered as any part of the principal sum expended, on which the said Companies are allowed by the act hereby amended, to compute the interest which may be taken by them respectively.

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The incorporations not to become void on a certain condition respecting the depth of water in the canals, &c.

Preamble.
Reasons why the corporations should not be obliged to purchase lands previous to their entering upon them, &c.

Permission to the corporations to prosecute their improvements, without leave from the owners of the lands first obtained.

To take and appropriate 100 feet of land on each side of the canals, &c.

Appraisalment of property and damages to be solicited—by whom, and when.

The forfeiture for default, and how to be recovered.

Proviso, as to the continuance of the power of entry, &c.

The right of ways saved to the proprietors.

Permission to the corporations respecting the erection of mills, &c. &c.

Profits therefrom given by the State to the corporations.

Proviso limiting the use of canal water, &c.

Proviso.
Monies laid out on Special Works not considered as any part of the principal sum.

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Certain land under the water of the Mohawk river vested in the Western corporation.

Other such lands reserved for the disposal of the legislature.

Also the land under the water of Hudson's river vested in the Northern corporation.

Regulation as to dams in Hudson's river.

Flood-gates in each dam across Hudson's river.

And the Mohawk river.

Prohibition as to the placing of nets, &c. under a penalty.

Preamble as to the tonnage of empty and loaded vessels.

Such tonnage as also the tonnage of rafts left optional and discretionary in the corporations.

Proviso.

Annual election for Directors, when to be held.

No non-user or mis-user within a limited time to affect the corporations.

The stock, &c. deemed personal property.

And be it further enacted by the authority aforesaid, That all the land under the water in the Mohawks river which may be occupied by the corporation first above mentioned, for the purpose of constructing any canal, lock, dyke, embankment, or dam, for the improvement of the navigation thereof, shall be and hereby is vested in the said corporation and its successors, for and during the existence of the said corporation, and no longer, and for the purposes aforesaid, as a free gift from the people of this State; saving and reserving to the people of this State, the right to all lands under the water not so occupied as aforesaid, to be appropriated as the Legislature shall from time to time direct, and that all the lands under the water in Hudson's river which may in like manner be occupied by the said corporation last mentioned in the preamble to the first section of this act, shall in like manner be vested in the said corporation and its successors, and for the like purposes, and under the like saving and reservation as a free gift from the people of this State.

Provided always, and be it further enacted by the authority aforesaid, That no dam or dams shall be erected in Hudson's river, other than where a canal shall run from the water raised by such dam, to communicate with the water below the water now navigable, or to be rendered navigable by the said company, and such dams shall not be higher than is necessary for the works with which they are connected, and that nothing in this act shall be construed to prevent any person or persons from passing over such dam or dams, with rafts of timber, boards, or other lumber, when the water running over such dam or dams shall be of sufficient depths for the passage of such rafts without injuring the dam or dams, and that without paying any toll for such passage: *And provided also,* That in every such dam, across the said river, a flood-gate, sluice, or other proper device, shall be constructed to admit the passage of fish ascending the said river, and to be constantly kept open, except in winter, when, for the greater safety of the dam, gate, sluice, or other device, the same may be closed. *And provided also,* That in every dam to be erected across the said rivers Hudson or Mohawk, a flood-gate, sluice, or other proper device, shall be constructed to admit the passage of fish ascending the said rivers. *And provided also,* That no net, seine, fuyck, or other contrivance for taking fish or preventing their ascending the said rivers, shall be used or placed by any person or persons whomsoever, within the distance of five hundred yards of such sluice, gate, or other device as aforesaid, under the penalty of ten pounds for every such offence, to be recovered with costs of suit, before any justice of the peace, by any person or persons who shall prosecute for the same, one half whereof shall be for the use of the poor of the town where such offence shall be committed, and the other half to and for the use of the person or persons who shall prosecute for the same.

And whereas, by the eleventh section of the said act, it is enacted, that the tolls on vessels passing through the said improved navigation shall be computed according to the tonnage of such vessels, and that the toll on timber, boards, plank, and scantling, shall be estimated in proportion to the toll on the tonnage of such vessels, by means whereof as much toll may be exacted from vessels passing empty as from those full laden: For remedy whereof,

Be it further enacted by the authority aforesaid, That it shall be optional with each and either of the said corporations respectively, to make such discrimination in the toll to be demanded for empty or for laden vessels, as they shall think proper, and that it shall be further in their discretion respectively, to estimate and establish the toll to be taken for passing any Lock or other improvement, either according to the tonnage of vessels or rafts passing through or by the same, or by charging a specific toll, on every particular article transported through such canal, lock or other improvement of the said navigation. *Provided always,* that the aggregate toll on any particular articles, shall not exceed upon a ton weight of such articles, the sum which the said corporations are respectively permitted to charge and take by the said eleventh section; any thing in the said act to the contrary hereof notwithstanding.

And be it further enacted by the authority aforesaid, That the annual election for directors in each of the said corporations respectively, in manner prescribed by the said act, shall henceforth be held on the second Tuesday of January in every year, and that the first election for directors shall be held on the second Tuesday of January next ensuing the passing of this act.

And be it further enacted by the authority aforesaid, That no non-user or mis-user, heretofore omitted, neglected or done, or which may hereafter and before the second Tuesday of January next ensuing the passing of this act, be omitted, neglected or done, shall operate so as to defeat or work an injury to either of the said corporations, any thing in the said act to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That the stock, interest and shares, of and in the said several corporations, shall be deemed and considered as personal property, to all intents and purposes whatsoever.

C H A P. IX.

An ACT to erect a Town in Clinton County.

Passed the 28th December, 1792.

Part of Plattsburgh and Willburgh erected into a town named Peru

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That from and after the Monday preceding the first Tuesday of April next, all that part of the town of Plattsburgh, and that part of the town of Willburgh, in the county of

Clinton, beginning on the line dividing this State from the State of Vermont, on an East point from the South East corner of a tract of land granted to John Friswell, from thence running West on the South line of the tract aforesaid, unto the South West corner thereof; then North, to Plattsburgh patent; then West on the South line of the patent aforesaid, and the same course Westward, to the West bounds of the county of Clinton; from thence Southerly, on the line last aforesaid, until it comes opposite to the South line of a grant of three thousand six hundred acres of land, granted to Matthew Adgate; then East, to the South line last aforesaid, and the same course continued to the line dividing this State from the State of Vermont aforesaid; then Northerly, on the East line of this State, to the place of beginning, shall be and hereby is erected into a separate town, by the name of PERU; and that the first town-meeting in the said town of PERU, shall be held at the dwelling house of Samuel Jackson in the said town.

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And be it further enacted, That all the remaining part of the town of Plattsburgh, shall continue to be and remain a separate town, by the name of Plattsburgh.

And be it further enacted, That all the remaining part of the town of Willsburgh, shall continue to be and remain a separate town, by the name of Willsburgh.

And be it further enacted, That the freeholders and inhabitants of the said town of Peru, shall be and hereby are empowered to hold town meetings, and elect such town officers, as the freeholders and inhabitants of any town in this State may do by law; and that the freeholders and inhabitants of the said town of Peru, and the town officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town officers of the other towns in this State, are entitled and subject to by law.

Privileges, &c. of the town of Peru.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the Supervisors and Overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose, by the Supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns previous to the division thereof, between the said former towns and the town erected into a separate town, in an equitable manner. And if the Supervisors and Overseers of the poor, cannot agree upon such division of the poor as aforesaid, then in such case, the Supervisors of the county of Clinton, shall at their next meeting, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them most just and equitable, and the said towns thereafter respectively, shall maintain their own poor.

The poor of Plattsburgh, Willsburgh and Peru, how to be apportioned, &c.

CHAP. X.

An ACT to alter the Boundary Line between Stephen-Town and Petersburg, in the County of Rensselaer. Passed the 4th January, 1793.

WHEREAS it hath been represented to the Legislature, that the division line of the aforesaid towns, has been found inconvenient to some of the inhabitants residing in Stephen-Town. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That all that part of Stephen-Town, to the North of the following boundary, to wit, beginning on the line that divides the aforesaid town, at the East line of Abel Lewis's farm, and to extend thence along the summit of a certain mountain in the North part of Stephen-Town, and the range of that summit continued Easterly, to the East boundary of this State, shall be and hereby is annexed to, and shall hereafter be considered part of the town of Petersburg, any thing in the act for dividing the towns therein mentioned, passed the eighteenth day of March, one thousand seven hundred and ninety one, to the contrary notwithstanding.

Boundary line between Stephen-Town and Petersburg altered.

And be it further enacted, That it shall and may be lawful, for the collectors of taxes in the said town of Stephen-Town, to collect all arrears of taxes already laid in the said town, of and from the several and respective inhabitants, that are annexed by this act to the town of Petersburg, in the same manner as they could have done, if this act had not been passed.

Collectors' duty.

CHAP. XI.

An ACT for building a Court-House and Gaol in the County of Rensselaer.

Passed the 11th January, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Supervisors of the several towns in the county of Rensselaer, for the time being, or the major part of them, shall be and they are hereby authorized and required, to direct to be raised, and levied on the freeholders and inhabitants of the said county, the sum of six hundred pounds, for the purpose of building a Court-House and Gaol in the said county, with the additional sum of one shilling in the pound for collecting the same, which sums shall be raised levied and collected, in the same manner as the other necessary and contingent charges of the said county, are levied and collected.

Supervisors to direct the raising of £. 600, &c. in Rensselaer county.

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To be quotaed among the several towns

And paid into the county treasury.

Commissioners for building the court-house and gaol.
Their duty.

County Treasurer's duty.

His poundage.

Where the court-house and gaol are to be built.

The commissioners to fix upon the place.

£. 1000 promised by the inhabitants of Troy

And made payable to the county treasurer, &c.

And be it further enacted, That the Supervisors of the county aforesaid, shall at their meeting on the last Tuesday of May next, quota the said sum of six hundred pounds, together with the said sum of one shilling in the pound for collecting the same, among the several towns in the county aforesaid.

And be it further enacted, That the said sum of six hundred pounds, shall be paid into the treasury of the said county, on or before the first day of October next.

And be it further enacted, That Cornelius Lansing, Jacob C. Schermerhorn, Abraham Ten Eyck, Mahlon Taylor and Jacob D. Vanderheyden, shall be the commissioners to superintend the building of the said Court-House and Gaol, and that the said commissioners, or the major part of them, shall and may contract with workmen, and purchase materials for the erecting the same, and shall from time to time draw upon the Treasurer of the said county, for the money for the purpose aforesaid, that shall come into the treasury by virtue of this act, and the Treasurer is hereby required to pay to the order of the said commissioners, or the major part of them, the several sums of money to be by them drawn for, for the purpose aforesaid; and it is hereby made the duty of the said commissioners, to account with the Supervisors of the said county, for the money which they shall have so received, when they shall be thereunto required.

And be it further enacted, That it shall and may be lawful for the Treasurer to retain in his hands, the sum of three pence in the pound for his trouble in receiving and paying out the money to be raised and paid by virtue of this act.

And be it further enacted, That the Court-House and Gaol so to be built, shall be erected and built within sixty rods of the dwelling house of Stephen Ashley, in the village of Troy, in the town of Troy in the said county.

And be it further enacted, That the aforesaid commissioners, or the major part of them, are hereby authorized and required, to determine and fix upon some suitable place for erecting and building the aforesaid Court-House and Gaol, within sixty rods of the dwelling house of Stephen Ashley aforesaid.

And whereas it appears to the Legislature, that Jacob D. Vanderheyden and others, inhabitants of the village of Troy, in the town aforesaid, have promised and agreed to pay the sum of one thousand pounds for erecting and building a Court-House and Gaol in the said county of Rensselaer, to such commissioners as should be by law appointed to build and erect the same. Therefore

Be it further enacted, That the said sum of one thousand pounds shall be and is hereby made payable to the Treasurer of the said county for the time being, for the purposes aforesaid, and which sum is hereby made payable to the said commissioners, and they shall be accountable for the same in like manner as the other monies in and by this act directed to be raised.

C H A P. XII.

An ACT to explain the act, entitled, "An act for raising Money for building a Court-House and Gaol in Washington County."

Passed the 14th January, 1793.

Preamble.

WHEREAS by the act entitled, "An act for raising money for building a Court-House and Gaol in Washington county," the Supervisors of the several towns in the said county, were authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding nine hundred pounds, and that the said Supervisors at their meeting in May last, should determine on the quota which each respective town in the said county should pay of the said sum, and that the one half part thereof should be paid into the treasury of the said county on or before the first Tuesday in November last, and the other half part thereof on or before the first Tuesday in November next. And whereas it hath been represented to the Legislature, that the Supervisors aforesaid, at their last May meeting, did quota the one half part of the nine hundred pounds only, that being the sum to be levied and collected for that year, and doubts having arisen, whether by the above mentioned act the Supervisors of the said county are authorized to direct to be raised and levied the remaining half part at their next May meeting: For remedy whereof,

Directions to the Supervisors.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Supervisors of the county of Washington, and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, the remaining half part of the sum of nine hundred pounds, with the additional sum of one shilling in the pound for collecting the same, in the manner directed by the said act.

C H A P. XIII.

A. D. 1793.
Ind. U. S. XVII.

An ACT relative to the Gaol and the Courts of Common Pleas and General Sessions of the Peace, in the county of Tioga, and the place of holding Town Meetings in Richfield, in the county of Otsego.
Passed the 14th of January, 1793.

WHEREAS some of the inhabitants of the county of Tioga have erected a building for a Gaol at New-Town Point, in the town of Chemung, in the said county: Therefore,

Preamble,

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That from and after the passing of this act, the said building shall be deemed the Gaol of the said county, until other Legislative provision shall be made in the premises.

Tioga Gaol at New-town Point.

And be it further enacted, That the Courts of Common Pleas and General Sessions of the Peace for the said county of Tioga, shall, from and after the first day of April next, be held on the first Tuesdays in May, October and February in every year, and shall be held alternately at the house of Joshua Whitney, Esquire, at Chenango, in the town of Union, and at the said building now erecting for a Gaol at Newtown Point, in the town of Chemung, and may continue and be held until the several Saturdays following, inclusive; and that the Court of Common Pleas and General Sessions of the Peace to be held in and for the said county of Tioga, on the fourth Tuesday of January next, shall at the end of the term be adjourned to the first Tuesday of May next, to be held at the said building now erecting for a Gaol at Newtown Point aforesaid.

County courts, and where to be held.

And whereas, in and by the sixth section of an act, entitled "An act for dividing the towns therein mentioned," passed the tenth day of April, one thousand seven hundred and ninety two, the first Town-meeting of the town of Richfield in the county of Otsego, is directed to be held at the house of John Van Cliff, which is now represented to the Legislature to have been a mistake, no such person residing within the said town: Therefore,

Preamble, as to Richfield, in Otsego county.

Be it further enacted, That the first Town-meeting in the said town of Richfield, shall be held at the house now occupied by Obediah Beardley, any law to the contrary in any wise notwithstanding.

First Town-meeting there, where to be held.

C H A P. XIV.

An ACT for prescribing the times, places and manner of holding Elections for Senators to represent this State in the Senate of the Congress of the United States of America.

Passed the 14th of January, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the Senators to be chosen in this State, to represent this State in the Senate of the Congress of the United States of America, shall always be chosen in the same manner that Delegates to represent this State in the general Congress of the United States of America, are directed to be appointed by the constitution of this State; and whenever any Senator or Senators to represent this State, in the Senate of the Congress of the United States of America, shall be chosen as aforesaid in this State, copies of the resolutions of the Senate and Assembly of this State, testifying such choice, signed by the President of the Senate and Speaker of the Assembly of this State for the time being, shall be thereupon delivered to the person or persons so chosen a Senator or Senators to represent this State, in the Senate of the Congress of the United States of America as aforesaid, as evidence of such election.

Senators for Congress, how to be chosen.

And be it further enacted by the authority aforesaid, That on the fourth Tuesday of January next, before the expiration of the time for which any Senator is, or shall be chosen to represent this State, in the Senate of the Congress of the United States of America, if the Senate and Assembly of this State be then in session, and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the Legislature of this State, an election shall be held in the manner aforesaid, at the place where the Senate and Assembly shall be then sitting, for a Senator to represent this State, in the Senate of the Congress of the United States of America, in the room of such Senator so going out of office. And whenever the seat of any Senator chosen to represent this State, in the Senate of the Congress of the United States of America, shall become vacant before the expiration of the time for which he is or shall be chosen, another Senator shall be chosen in his room, and in the manner aforesaid, within ten days after the Legislature of this State shall have notice of such vacancy at the place where they shall be then sitting.

Senators going out of office, when, where and how others are to be chosen in their room.

Vacancies in Senate, how to be filled up.

And be it further enacted by the authority aforesaid, That this act shall continue and be in force until forty days after the first meeting of the Legislature, after the first day of January, which will be in the year of our Lord one thousand eight hundred.

Duration of this act.

A. D. 1793.
Ind. U. S. XVII.

C H A P. XV.

An ACT to ascertain and settle the limits and boundaries, between the Patent of Kayaderofferes and the Half-Moon Patent, and to bind the title of the respective claimants.

Passed the 19th January, 1793.

Preambles, shewing
reasons for legislative
interference.

WHEREAS a controversy has subsisted between the proprietors of a tract of land, in the county of Saratoga, known by the name of the patent of Kayaderofferes, and the proprietors of a tract of land originally granted to Anthony Van Schaick, commonly called the Half-Moon patent, respecting the bounds of the said respective patents.

And whereas the said controversy impedes the cultivation of the country, and cannot be finally determined in the usual course of law without a number of suits, which from the circumstances of the case, would require to be tried by foreign Juries, with much inconvenience to the public and expense of the parties.

And whereas the proprietors of the said patents respectively, are numerous and some of them infants, and others under coverture, which renders it impracticable to make any determination of the said controversy binding upon all the parties interested, without the aid of the Legislature.

Agents named five
commissioners.

And whereas the agents for the proprietors of the said respective patents, did agree that they would unite in an application to the Legislature, for an act appointing commissioners finally to determine and ascertain the boundary lines between the said respective patents; and that Egbert Benson of the county of Dutchess, Samuel Jones of the city of New-York, Jesse Woodhull of the county of Orange, Cornelius C. Schoonmaker of the county of Ulster, and Peter Cantine of the county of Dutchess, be the commissioners for that purpose.

And whereas the said agents have made such joint application by their petition to the Legislature, with which it appears reasonable to comply. Therefore

The commissioners
duty in fixing the
bounds between Kay-
aderofferes and Half-
Moon patents.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful for the said Egbert Benson, Samuel Jones, Jesse Woodhull, Cornelius C. Schoonmaker and Peter Cantine, or any three of them, to hear and examine the said controversy, and finally by writing, under the hands and seals of them, or any three of them, to fix, ascertain and determine the boundary line or lines, between the said respective patents, which determination shall be final and conclusive, as to all rights, titles and interests derived under the letters patent, whereby the said lands called Kayaderofferes, and the said lands called the Half-Moon, were respectively granted to the original proprietors of the said lands, and shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to lie within the said patent, called the Half-Moon patent, in such person and persons, and with such estate and estates as the same would be vested in and held by, if the same had been undoubtedly included in the letters patent, granted as aforesaid to the said Anthony Van Schaick, and in like manner, shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to lie within the said patent, called Kayaderofferes, in such person and persons, and with such estate and estate; as the same would be vested in and held by, if the same had been undoubtedly included in the said patent, called Kayaderofferes, and not within the said patent to Anthony Van Schaick, so that all and every person or persons, any thing having or claiming in the said land, by virtue of the said patent to Anthony Van Schaick, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to be within the bounds of the said patent called Kayaderofferes; and all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent called Kayaderofferes, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to lie within the bounds of the said patent to Anthony Van Schaick. *Provided always*, That nothing herein contained, shall be deemed, construed or extended, to affect the estate, right, title or interest of the people of this State, or of any person or persons, or body politic or corporate, not deriving title by, from or under either of the said respective patents, any thing herein contained to the contrary thereof in any wise notwithstanding.

And to vest the pro-
perty, &c.

Proviso.

The commissioners
oath.

And be it further enacted, That each of the said commissioners shall, before he executes any of the duties prescribed in and by this act, take the following oath before one of the Justices of the Supreme Court of this State, to wit: "I do hereby solemnly swear that I will well and truly execute the trust reposed in me, in and by the act entitled, "An act for settling the line or lines of division between the patent of Kayaderofferes and the patent commonly called the Half Moon patent, to the best of my knowledge and ability. So help me GOD."

Premises in question,
to be previously view-
ed.

Witnesses summoned
and examined on oath.

And be it further enacted, That the said commissioners, before the making of their said determination, shall take a view of the premises in question.

And be it further enacted, That the said Commissioners, or any three of them, shall be and are hereby empowered and required, to summon any person or persons to appear before them, when and as often as the said parties, or either of them, shall think necessary to be examined, and give evidence touching the matters in controversy, and to bring with them

all such books, deeds, papers, or other written evidence as the said parties, or either of them, shall from time to time think proper; and the said Commissioners, or any one of them, are hereby authorized and empowered to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matter in question; and if any person or persons, being summoned by writing subscribed by any one or more of the said Commissioners, and duly served on such person or persons, at least eight days before the time required by such summons, for his, her or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or produce such written evidence as shall be required by the said summons, every such person so refusing or neglecting shall forfeit and pay for every such refusal or neglect the sum of one hundred pounds, to be recovered in any Court of Record having cognizance thereof, by action of debt, to be brought in the name of the person or persons at whose instance such witness was summoned. *Provided always*, That no such forfeiture shall be incurred, unless a tender shall have been made, at the time of serving such summons, to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance. *And provided also*, that no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

And be it further enacted, That if any person shall wilfully and knowingly give false evidence before the said Commissioners, or any three of them, touching the said controversy, he or she shall, upon conviction thereof, suffer the pains and penalties inflicted by law for wilful and corrupt perjury.

And be it further enacted, That the determination of the said Commissioners, or any three of them, as aforesaid, being duly acknowledged or proved in the like form as deeds are by law to be acknowledged or proved, may be entered of record in the Secretary's office of the State of New-York; and the same, or the record thereof, or an exemplification or true copy of such record, shall be good evidence of such determination in all Courts, both of law and equity.

And be it further enacted, That the same determination shall be made within one year from the passing of this act.

And be it further enacted, That all the expenses, costs and charges, which shall arise and accrue in fixing and ascertaining the said boundary line or lines between the said respective patents, as herein before is mentioned, or for or by reason of any other matter or thing respecting the execution of the trusts or power herein before specified (excepting fees to counsel for advice or assistance upon the hearing of the said controversy or otherwise) shall be equally paid and borne by the said parties; that is to say, the one equal half part thereof by the proprietors of the eighth allotment in the patent of Kayaderosseres, and the other equal moiety or half part by the proprietors of the Half-Moon patent; which said costs, charges and expenses, shall be ascertained by a certificate of the said commissioners, or any three of them; and if any of the said proprietors of the said allotments in the said patent of Kayaderosseres shall neglect or refuse to pay his, her, or their proportion of the said expenses, within one month after the determination of the said Commissioners, or any three of them, shall have been made, it shall be lawful for the said Commissioners, or any three of them, to sell, grant, and convey so much of the lands belonging to the said person or persons so refusing or neglecting as aforesaid, in whatsoever part of the said patent of Kayaderosseres they shall think expedient, as may be sufficient to defray his, her, or their proportion of the said expenses, with interest for the same from the end of the said month; and in like manner, if any of the proprietors of the said Half-moon patent, interested in the said controversy, shall refuse or neglect to pay his, her, or their proportion of the said expenses (to be assessed by the said Commissioners, or any three of them) for or within one month after the said determination of the said Commissioners, or any three of them, shall have been made, it shall be lawful for the said Commissioners, or any three of them, to sell, grant, and convey so much of the lands of the person or persons so refusing or neglecting as aforesaid, in whatever part of the said Half-moon patent they shall think expedient, as may be sufficient to defray his, her, or their proportion of the said expenses, with like interest as aforesaid, and the charges of sale; and the deeds of the said commissioners, or any three of them, for such land so sold, shall be valid and effectual in the law, to all intents and purposes, against the said person and persons so refusing and neglecting, and his, her, and their heirs, and all others claiming or to claim by, from, or under him, her, or them, or any of them, at any time hereafter.

A. D. 1793.
Ind. U. S. XVII.

Witnesses, how summoned, and if delinquent, to forfeit and pay £ 100.

How to be recovered.

Proviso.

Proviso.

Persons giving false evidence, how punished.

What shall be evidence of the commissioners determination in all courts.

Determination to be within one year.

Expenses by whom and where to be paid.

Proprietors lands, when to be sold for their share of the expenses.

Commissioners deeds, valid, &c.

C H A P. XVI.

An ACT for settling the Line or Lines of Division between the Town of Schenectady and the Patent of Kayaderosseres. Passed the 19th of January, 1793.

WHEREAS a controversy has for a long time subsisted between the trustees of the town of Schenectady, in the county of Albany, and the proprietors of a tract of land adjoining thereto, and known by the name of the patent of Kayaderosseres, respecting the bounds of the said town and patent.

Preambles, shewing reasons for legislative interference.

A. D. 1793.
Ind. U. S. XVII.

And whereas the said controversy impedes the cultivation of the country, and cannot be finally determined in the usual course of law, without a number of suits, which, from the circumstances of the case, would require to be tried by foreign juries, with much inconvenience to the public, and expense to the parties.

And whereas the proprietors of the said patent of Kayaderosseres are numerous, and some of them infants, and others under coverture, which renders it impracticable to make any determination of the said controversy binding upon all the parties interested without the aid of the Legislature.

Five commissioners
named by agents.

And whereas the agents for the trustees of the said town, to wit, Isaac Vrooman, Abraham Fonda, Abraham Wempel, Hermanus Bradt, Nicholas Veeder, and Gerrit S. Veeder, junior, and Daniel Campbell, Dirck Lefferts, James I. Beekman, Nicholas Low, and Samuel B. Webb, agents for the proprietors of the said patent of Kayaderosseres, did, by articles bearing date the eighteenth day of October last past, agree that they would unite in an application to the Legislature, for an act appointing Commissioners finally to determine and ascertain the boundary lines between the said town and patent; and that Zephaniah Platt, James Kent, and Peter Cantine, of the county of Dutchess, and John Cantine and Cornelius C. Schoonmaker, of the county of Ulster, be the Commissioners for that purpose.

And whereas the said agents have, pursuant to the said articles, made such joint application by their petition to the Legislature, with which it appears reasonable to comply. Therefore,

Commissioners duty
in fixing the boundary
between Schenectady and
Kayaderosseres patents.

Their determination
conclusive.

And to vest the pro-
perty, &c.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful for the said Zephaniah Platt, James Kent, Peter Cantine, John Cantine and Cornelius C. Schoonmaker, or any three of them, to hear and examine the said controversy, and finally, by writing under the hands and seals of them, or any three of them, to fix, ascertain and determine the boundary line or lines, between the said town and patent, which determination shall be final and conclusive as to all rights, titles and interest derived under the letters patent, whereby the said town of Schenectady and lands called Kayaderosseres, were respectively granted to the original Trustees of the said town, and proprietors of the said lands; and shall, to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to be within the said town, in such person and persons, and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the letters patent whereby the said town was so as aforesaid granted, and in like manner shall, to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to lie within the said patent of Kayaderosseres, in such person and persons and with such estate and estates as the same would be vested in and held by, if the same had been undoubtedly included in the said patent of Kayaderosseres, and not within the said town of Schenectady, so that all and every person and persons, any thing having or claiming in the said lands by virtue of the said patent of Kayaderosseres, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands as shall be so as aforesaid determined to lie within the bounds of the town of Schenectady, and all and every person and persons having or claiming any thing in the said lands by virtue of any patent to any persons as Trustees for the inhabitants of the said town, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to be within the bounds of the said patent of Kayaderosseres.

Provido.

Provided always, That nothing herein contained shall be deemed, construed or extended to affect the estate, right, title or interest of the People of this State, or of any person or persons, or body corporate or politic, not deriving title by *form*, or under any patent to the Trustees of the said town of Schenectady, or by, from or under the said patent of Kayaderosseres, any thing herein contained to the contrary thereof in any wise notwithstanding.

The commissioners
oath.

And be it further enacted, That each of the said commissioners shall, before he executes any of the duties prescribed in and by this act, take the following oath before one of the Justices of the Supreme Court of Judicature of this State, to wit. "I do hereby solemnly swear that I will well and truly execute the trust reposed in me in and by an act, entitled, "An act for settling the the line or lines of division, between the town of Schenectady and patent of Kayaderosseres, to the best of my knowledge and ability. So help me God."

Witnesses to be sum-
moned and examined
on oath, &c.

And be it further enacted, That the said commissioners, or any three of them shall be, and are hereby empowered to summon any person or persons to appear before them, when and as often as they shall think necessary, to be examined and give evidence touching the matters in controversy, and to bring with them all such books, deeds, papers or other written evidence, as the said commissioners, or any three of them, shall from time to time think proper for the execution of the trust hereby reposed in them: And the said commissioners, or any one of them, are hereby authorized and empowered to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matters in question; and if any person or persons, being summoned by writing, subscribed by any one or more of the said commissioners, and duly served on such person or persons, at least eight days before the time required by such summons for his, her or their attendance, shall

refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or produce such written evidence as shall be required by the said commissioners, or any three of them, every such person so refusing or neglecting, shall forfeit for every such refusal or neglect, the sum of one hundred pounds, to be recovered in any court of record having cognizance thereof, by action of debt, to be brought in the name of the person or persons at whose instance such witness was summoned.

Provided always, That no such forfeiture shall be incurred, unless a tender shall have been made at the time of serving such summons to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance.

And provided also, That no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

And be it further enacted, That if any person shall wilfully and knowingly give false evidence before the said commissioners, or any three of them, touching the said controversy, he or she shall upon conviction thereof, suffer the pains and penalties inflicted by law for wilful and corrupt perjury.

And be it further enacted, That the determination of the said commissioners, or any three of them, as aforesaid, being duly acknowledged, or proved in the like form as deeds are by law to be acknowledged or proved, may be entered of record in the Secretary's office of the State of New-York; and the same, or the record thereof, or an exemplification, or true copy of such record, shall be good evidence of such determination in all courts, both of law and equity.

And be it further enacted, That the said determination shall be made within one year from the passing of this act.

And be it further enacted, That all the expenses, costs and charges which shall arise or accrue, in fixing and ascertaining the said boundary line or lines, between the said town of Schenectady and patent of Kayaderoseres, as herein before mentioned, or for or by reason of any other matter or thing, respecting the execution of the trust or powers herein before specified, except fees to counsellor, advice or assistance upon the hearing of the said controversy, or otherwise, shall be equally paid and borne by the said parties, that is to say, the one equal moiety or half part thereof, by the trustees of the said town of Schenectady, and the other equal moiety or half part thereof, by the proprietors of the patent of Kayaderoseres, in proportion to their interests in the third and fourth general allotments of that patent; and if any of the said proprietors of the said allotments, shall neglect or refuse to pay his, her or their proportion of the said expenses, within one month after the determination of the said commissioners, or any three of them shall have been made, it shall be lawful for the said commissioners, or any three of them, to sell so much of the lands belonging to the said person or persons so refusing or neglecting as aforesaid, in whatever part of the patent they shall think expedient, as may be sufficient to defray his, her or their proportion of the said expenses, with interest for the same from the end of the said month, and the charges of sale; and the deed of the said commissioners, or any three of them, for such land so sold, shall be valid and effectual in the law, to all intents and purposes against the said person and persons so refusing or neglecting, and his, her and their heirs, and all others claiming or to claim, by, from or under him, her or them, or any of them, at any time hereafter.

A. D. 1793.
Ind. U. S. XVII.

Witnesses, if delin-
quent to forfeit £.100:
How to be recovered.

Proviso.

Proviso.

False witnesses how
punished.

What shall be good
evidence of the com-
missioners determina-
tion.

Determination to be
within one year.

Expenses, by whom
and when to be paid.

Proprietors' lands,
when to be sold for
their share of the ex-
penses.

Commissioners' deeds
valid, &c.

C H A P. XVII.

An ACT to divide the Towns of Jerico and Union, in the County of Tioga.

Passed the 19th of January, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That all that part of the town of Jerico, lying East of Chenango river, and that part of the town of Union, West of the said river, bounded Northerly, by the North bounds of the said county, Easterly, on the river Unadilla, Southerly, on the North bounds of a tract of land called Fayette, and the South bounds of townships, number fourteen and thirteen, being two of the twenty townships, and Westerly, on the West bounds of the townships number twelve and thirteen, be, and hereby is erected into a separate town, by the name of Norwich; and that the first town-meeting in the said town, shall be held at the dwelling house of John Harris in the said town.

And be it further enacted, That all that tract of land, lying and being in the said towns of Jerico and Union, bounded Northerly on the above described township; Westerly, on the East bounds of a tract of land purchased by William S. Smith, called the Chenango triangle; Southerly, on the South bounds of the township of Fayette, and Easterly on the Unadilla, be, and hereby is erected into a separate town by the name of Oxford, and that the first town-meeting in the said town, shall be held at the dwelling house of Benjamin Hovey, in the said town.

And be it further enacted, That all the remaining part of the town of Jerico, be and remain a separate and distinct town, by the name of Jerico.

And be it further enacted, That all the remaining part of the town of Union, shall be and remain a distinct town, by the name of Union.

F

Part of Jerico and
Union towns erected
into a town named
Norwich.

First meeting, where
to be held.

Other parts of said
towns erected into a
town named Oxford.

First meeting, where
to be held.

What part to be
named Jerico.

And what part Union.

When those towns
are to be considered
as divided.
Their privileges.

And be it further enacted, That the before mentioned towns, shall be considered as divided, from and after the Monday next preceding the first Tuesday in April next, and that the freeholders and inhabitants of the said towns respectively, shall be and are hereby empowered to hold town-meetings and elect such town officers, as the freeholders and inhabitants of any town of this State may do by law; and that the freeholders and inhabitants of the said towns of Norwich and Oxford, and the town officers to be by them elected, shall respectively have the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town officers of the other towns in this State are entitled and subject to by law.

Poor of said towns,
how to be apportion-
ed, &c.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the Supervisors and Overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose, by the Supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns, previous to the division thereof, between the said former towns and the towns erected into separate towns, in an equitable manner; and if the Supervisors and Overseers of the poor, cannot agree upon such division of the poor as aforesaid, then and in such case, the Supervisors of the county, shall at their next meeting, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them or a majority of them, most just and equitable, and the said towns shall thereafter respectively maintain their own poor.

C H A P. XVIII.

An ACT directing the paving Water-Vliet Street, in the County of Albany.

Passed the 19th of January, 1793.

Five commissioners
appointed to direct the
paving of Water-Vliet

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Stephen Van Rensselaer, Lucas Van Veghten, Jacob J. Lansing, Robert Kinnear, and David Blakely, or any three of them, be, and they hereby are appointed commissioners, with full power and authority from time to time, and in such manner as they shall judge most conducive to public convenience, to order and direct the pitching, levelling, forming, and paving the road or street known by the name of Water-Vliet street, in the town of Water-Vliet, in the county of Albany, leading from the north bounds of the city of Albany to the south side of the kill or creek commonly called Water-Vliet, in the town aforesaid, and that for the better effecting the same, the said commissioners shall and may cause an estimate or estimates of the expense to be incurred in the premises, and a just and equitable assessment thereof to be made among the owners or occupants of all the houses and lots intended to be benefited by this regulation, in proportion, as nearly as may be, to the advantage they shall be deemed respectively to acquire thereby; and in order that the same may be impartially performed, the said commissioners shall from time to time appoint five sufficient and disinterested freeholders for every such purpose, who shall, before they enter upon the execution of their trust, be duly sworn before any justice of the peace of the said county, to make the said estimate or assessment, fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said commissioners, and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots so to be assessed respectively; and such owners and occupants respectively, shall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay to such person or persons as shall be authorized by the commissioners, by their order for that purpose, to be made in writing, to receive the same; and in default of payment thereof, it shall and may be lawful to and for the said commissioners, by warrant under their hands and seals, to cause the said sum or sums of money, so assessed, to be levied by distress and sale of the goods and chattels of the owner or occupant of such house or lot so assessed, and refusing or neglecting to pay the same, rendering the overplus, if any there be after deducting the sum assessed, and the charges of distress and sale, to such owner or occupant, or his or her legal representative. *Provided* that it shall be lawful to and for the said commissioners, to direct and establish certain rates, at which any labour performed, or materials furnished by any such owner or occupant, for and towards the compleating of such pavement, shall be credited on the said assessment.

Their duty to esti-
mate the expense, to
have it equitably as-
sessed by five freehold-
ers on oath.

Their oath.

Owners and occu-
pants chargeable, and
to pay on demand.

In default thereof,
to be compelled.

Labour, &c. fur-
nished by owners and
occupants, to be rated.

Agreements between
landlords and tenants
not to be affected.

Persons paying for
others, how to be re-
imbursed.

And be it further enacted by the authority aforesaid, That nothing in the preceding clause contained shall be construed to affect any contract or agreement that hath been or shall be made between any landlord and tenant respecting the payment of any such charges or repairs, but that they shall be answerable to each other in like manner as if this act had never been made; and that in case any money so from time to time to be assessed, for the services aforesaid, shall be paid by any person, when by agreement, or by law, the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person so paying the same, and he shall be, and hereby is, empowered and authorized to sue for and recover the same, with interest and costs of suit, in any court having lawful cognizance thereof, as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

And be it further enacted by the authority aforesaid, That if upon the completion of the pitching, levelling, forming and paving of the above-mentioned street or road, it shall appear to the said commissioners that a greater sum of money has been bona fide expended in compleating the same, then the sum mentioned in the estimate so made as aforesaid and actually collected, it shall and may be lawful to and for the said commissioners to cause a further assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots before assessed as aforesaid, and to cause the same to be collected in the like manner as herein before directed: and that in case the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same were so collected and received as aforesaid, or his or her legal representative.

A. D. 1793.
Ind. U. S. XVII.

Where the commissioners shall cause a further assessment and collection.

And when they shall return to occupants, &c. a surplus.

CHAP. XIX.

An ACT for the Relief of Henry K. Van Rensselaer. Passed the 19th January, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful for the Treasurer of this State, and he is hereby required, on making a settlement with Henry K. Van Rensselaer, to give him credit for the amount of such certificates as shall appear to the said Treasurer to have been delivered, or payments to have been made by the said Henry K. Van Rensselaer or his agents, to the regiment of militia under his command in the late war, upon his producing receipts or affidavits, to the satisfaction of the Treasurer, of such delivery or payment.

The Treasurer to give Henry K. Van Rensselaer a certain credit.

And be it further enacted, That the said Treasurer shall, and he is hereby required to stay further proceedings against the said Henry K. Van Rensselaer, for the term of six months after the judgment against him shall have been duly enrolled, signed and docketed.

And to stay further proceedings against him for a certain time.

Provided nevertheless, That the said Treasurer, shall not pay to Stephen Randall and others, officers and soldiers of the regiment late under the command of the said Henry K. Van Rensselaer, the several sums of money directed to be paid to them, in and by an act, entitled "An act to authorize the Treasurer of this State, to pay to sundry persons the several sums of money therein mentioned," passed the sixth day of April last, until after the expiration of six months from the passing of this act.

Treasurer prohibited from paying certain officers and soldiers for a certain time.

CHAP. XX.

An ACT for raising a sum of Money, for the Court-House and Gaol built in the County of Herkemer, and for authorizing the Sheriff of the said County, to remove his Prisoners to, and confine them in the said Gaol. Passed the 19th of January, 1793.

WHEREAS the freeholders and inhabitants of the county of Herkemer, have by their petition requested the Legislature to pass a law, to enable the Supervisors of the said county, to raise and levy on the freeholders and inhabitants of the said county, the sum of one thousand pounds, for the purpose of defraying the expense which has already accrued in building a Court-House and Gaol, in the aforesaid county: Therefore

Preamble.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Supervisors of the several towns in the said county of Herkemer, for the time being, or the major part of them, shall be and they hereby are authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county of Herkemer, the sum of one thousand pounds, with the additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected, as the other necessary and contingent charges of the said county, are levied and collected.

Supervisors to direct the raising of £. 1000, &c. in Herkemer county.

And be it further enacted, That the Supervisors of the county of Herkemer, or the major part of them, shall meet at the dwelling house of Nicholas Haldridge, in the said county, on the last Tuesday in May, one thousand seven hundred and ninety three, for the purpose of directing the said sum of one thousand pounds together with the poundage for collecting the same, to be raised and levied; and it is hereby made the duty of the Clerk of the Supervisors of the said county, to notify the said Supervisors of such meeting.

Supervisors, where and when to meet. To be notified by their clerk.

And be it further enacted, That the said sum of one thousand pounds, shall be collected and paid into the Treasury of the said county, in manner following, that is to say, six hundred pounds thereof, on or before the first Monday of September next, and the remaining part on or before the first Monday of January next.

Manner of paying said £. 1000 into the county treasury.

And be it further enacted, That it shall be the duty of the Treasurer of the said county, and he is hereby required, out of the monies aforesaid, to pay to the order of the commissioners who superintended the building of the said Court-House and Gaol, the sums of money by them drawn for; and it shall be the duty of the aforesaid commissioners, to account with the Supervisors of the said county, for the monies which they shall so receive when thereunto required.

County Treasurer to pay to the commissioners' order, who are to account with the supervisors for the same.

And be it further enacted, That it shall and may be lawful for the Treasurer of the said county, to retain in his hands, the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

County Treasurer's poundage.

A. D. 1793.
Ind. U. S. XVII.

County courts, where
to be held.

Court-House and
Gaol of said county.

Prisoners to be re-
moved from the Gaol
of Montgomery to the
Gaol of Herkemer, by
the Sheriff of Herke-
mer.

Sheriff of Herkemer
not liable to actions of
escape for such remov-
al.

And if prosecuted
to have double costs.

Where said Sheriff
shall be liable to acti-
ons of escape.

When the Gaol of
Montgomery shall not
be deemed the Gaol of
Herkemer.

And be it further enacted, That until further Legislative provision be made in the premises the courts of common pleas and general sessions of the peace for the said county, hereafter to be held, shall be held alternately in the aforesaid Court-House, and at such place in White's Town, as shall by the said courts be directed, by orders to be entered in the minutes of the same courts respectively.

And be it further enacted, That the Court-House and Gaol, lately erected in the said county of Herkemer, shall be the Court-House and Gaol of the said county.

And be it further enacted, That the Sheriff of Herkemer, shall on or before the first Monday in March next, remove all prisoners, whether by process directed to the Sheriff of Herkemer, or by any court of justice in the same county, from the Gaol of Montgomery, to the Gaol lately erected in the county of Herkemer, and there keep them, and each of them in safe custody, until they are respectively discharged by due course of law.

And be it further enacted, That the Sheriff of the county of Herkemer, shall not be liable to any action or actions of escape, or other action at law, for removal of the said prisoners or either of them; and that if any action, bill, plaint, suit or information, shall be commenced or prosecuted against the said Sheriff, for removing the said prisoners or either of them, in pursuance of this act, it shall be lawful for such Sheriff to plead the general issue, and to give this act and the special matter in evidence; and if the plaintiff or prosecutor in any such action, bill, plaint, suit or information, shall become non-suit or discontinue, or cease to prosecute the same, or if a verdict or judgement be given against him or her, the defendant shall recover double costs, for which he shall have like remedy as in other cases where costs are given by law to the defendant.

And be it further enacted, That in case any prisoner or prisoners shall escape from the custody of the Sheriff of the said county of Herkemer, during the time of his or her removal, and the Sheriff shall not re-take such prisoner or prisoners, and confine him or them in the Gaol to which he or she ought to have been removed by virtue of this act, within sixty days next after such escape made, the said Sheriff shall be liable to all actions for such escape or escapes.

And be it further enacted, That the Gaol of the county of Montgomery, shall not, after the removal of the prisoners as aforesaid, be deemed the Gaol of Herkemer.

C H A P. XXI.

An ACT for raising a sum of Money in arrear from the late Manor of Cortlandt in the County of Westchester, to Abigail Yeamans, Executrix of the last Will and Testament of William Yeamans, deceased.
Passed the 26th of January, 1793.

Preamble respecting
a sum due to William
Yeamans.

Preamble,

£. 33 11 3. to be raised
and paid to Abigail
Yeamans.

WHEREAS, by the petition of the said Abigail Yeamans, and several papers and documents accompanying the same, it appears to the Legislature, that the sum of thirty two pounds, eleven shillings and three pence was due from the said late Manor of Cortlandt in the said county of Westchester, to the said William Yeamans in his life time, for keeping and supporting John Putney, deceased, a pauper, belonging to the said late Manor, and committed to the care and keeping of the said William Yeamans by the Overseers of the Poor of the same Manor, and for the funeral expenses of the said John Putney, and that the said sum is still in arrear and due to the said Abigail Yeamans, as Executrix as aforesaid.

And whereas, no provision by law is made for raising the said sum, and it being just and reasonable that a law should be passed for that purpose. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful for the Supervisors of the said county of Westchester for the time being, or a majority of them, to apportion the said sum of thirty two pounds eleven shillings and three pence, amongst the several towns and parts of towns which did compose the said late Manor of Cortlandt, in such manner as they shall deem just and equitable, and by their warrant direct the sum they shall apportion to each respective town and part of town which did compose the said late Manor of Cortlandt, to be levied and collected in the same respectively, in like manner as the contingent charges of the county shall be levied and collected; which money, when collected, shall be paid to the said Abigail Yeamans, as executrix as aforesaid,

C H A P. XXII.

An ACT for the inspection of Soal Leather in the City of Hudson.

Passed the 26th of January, 1793.

Inspector of Soal-
Leather, by whom to
be appointed.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Mayor, Recorder, Aldermen and Commonalty of the city of Hudson in Common Council Convened, shall be and hereby are authorized and directed to appoint from time to time, and as often as vacancies by death, resignation of office, or otherwise shall happen, one fit person to inspect and weigh all Soal Leather that shall be manufactured within the said city of Hudson, or imported or brought into the said city from any place whatso-

ever, from and after the first day of March next, other than such as shall have been inspected in the cities of New-York or Albany, which said Inspector shall take and subscribe the following oath before the Mayor or Recorder of the city of Hudson, before he shall be deemed qualified for, or proceed to the execution of the duties enjoined upon him by virtue of this act, "I — do solemnly swear that I will well, faithfully and impartially, according to the best of my skill and understanding, execute, do and perform the office and duty of an Inspector and Examiner of Sole Leather, and will not, directly or indirectly, by myself or any person or persons under me, or for my benefit or advantage, buy or sell any foal leather during the time that I shall continue an Inspector of the same (except for the use of my own family) according to the true intent and meaning of an act, entitled, "An act for the inspection of foal leather in the city of Hudson." So help me God.

And be it further enacted, That from and after the first day of March next, no foal leather whatsoever, other than such as shall have been inspected in the cities of New-York or Albany, as aforesaid, shall be sold, disposed of, or used for any purpose or purposes whatsoever within the said city of Hudson, until the same shall have been inspected, sealed, and weighed by the Inspector to be for that purpose appointed by virtue of this act, under the penalty of forty shillings for every such offence, to be sued for and recovered by an action of debt, with costs of suit, in a summary way, by any person or persons who will sue and prosecute for the same before the Mayor, Recorder, or any Alderman of the city of Hudson, to be levied by process to be directed to the Marshal, or any of the constables of the said city, commanding him or them, or either of them, to levy the same by distress and sale of the offender's goods and chattels, one moiety whereof, when so recovered, to be paid to the Chamberlain of the city of Hudson, to be applied at the discretion of the Mayor, Aldermen, and Commonalty of the said city, to the use of the poor thereof, and the other moiety to the use of such person or persons who shall prosecute for the same.

And be it further enacted, That there shall be paid to the Inspector, for inspecting, sealing, and weighing every side of foal leather, the sum of four pence, one half to be paid by the seller thereof, and the other half by the purchaser.

And be it further enacted, That the Inspector shall and is hereby required to provide himself with proper seals for the purpose aforesaid, and to impress on every side of foal leather which shall be deemed dry, good and merchantable, his own name, and the word Hudson at full length, and also the weight thereof; and if any person or persons shall presume to counterfeit such mark or marks to be made by such Inspector, by making any impression or mark on any foal leather, such person or persons so offending shall forfeit and pay for every such offence the sum of ten pounds, to be sued for, recovered, and applied in manner aforesaid.

Provided nevertheless, That all foal leather which, upon inspection as aforesaid, shall be found not to be dry, good and merchantable, and which as such shall not be stamped in manner herein before directed, may be used for any other purposes except being worked into shoes, boots, or buckets,

And provided further, That all such foal leather which shall not on such inspection as aforesaid be deemed good and merchantable by the Inspector, shall be by him marked with the word *bad*, and may then be used for any other purpose, except being worked into shoes, boots, or buckets; and every such Inspector is hereby required and directed to keep proper instruments for the purpose of marking such unmerchantable leather accordingly; and if any person or persons shall presume to work up into shoes, boots, or buckets, any foal leather before the same shall have been inspected as aforesaid, or any foal leather which shall be marked with the word *bad* as aforesaid, such person or persons so offending shall forfeit and pay for every such offence the sum of ten pounds, to be sued for, recovered, and applied in the manner before directed.

A. D. 1793.
Ind. U. S. XVII.

His oath.

Penalty, on disposing of, or using Soal Leather uninspected, &c.

How sued for,

And applied.

The Inspectors wages.

Inspector, how to seal and mark Soal-Leather.

Counterfeiters of marks to forfeit £. 10 for each offence.

Proviso, as to using unmerchantable Soal-Leather.

Such Soal-Leather to be marked *Bad*, and how to be used.

Persons using un-inspected Soal-Leather for certain purposes, to forfeit £. 10. &c.

C H A P. XXIII.

An ACT to confirm the Partition of the Town of Kingsbury, in the county of Washington.

Passed the 26th of January, 1793.

WHEREAS it hath been represented to the Legislature, that difficulties may arise respecting a partition formerly made of the township of Kingsbury, in the county of Washington, among the proprietors thereof, by reason that the said partition was not completed according to law. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the partition of the said town of Kingsbury, among the proprietors thereof, agreeable to the map thereof, made in the month of October, in the year one thousand seven hundred and sixty two, by David Ferris, who surveyed the same, specifying to whom the several parts belonged, and agreed to by certain of the said proprietors, on the eighteenth day of May one thousand seven hundred and sixty two, shall be, and hereby is, confirmed and established, and shall be taken and deemed as valid and effectual, to all intents and purposes, as if the same had been originally made according to law.

Provided that the said map be duly acknowledged by the said David Ferris, in like form as deeds are by law to be acknowledged, filed and recorded in the office of the clerk of the said county.

Preamble.

Partition of Kingsbury in 1762, confirmed.

Proviso.

A. D. 1793.
Ind. U. S. XVII.

C H A P. XXIV.

An ACT for the Relief of Frederick Weisenfelts. Passed the 26th of January, 1793.

How the Treasurer
shall liquidate Frede-
rick Weisenfelts' debt.

And join in a petiti-
on with his other cre-
ditors.

The Treasurer to de-
clare on oath, &c.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Treasurer of this State be, and he is hereby authorized and required to liquidate the debt due from the said Frederick Weisenfelts to the people of this State, on such principles and proofs as to him shall appear proper and just; and having so liquidated the same, and ascertained the amount of the debt so due, it shall and may be lawful to and for the said Treasurer, on the behalf of the people of this State, to join in a petition with any other creditor or creditors of the said Frederick Weisenfelts, and to state the sum which shall be so found due as aforesaid, to be due to the people of this State, in order to enable the said Frederick Weisenfelts to take the benefit of the act entitled, "An act for giving relief in cases of insolvency." *Provided nevertheless*, that the said Treasurer shall, on oath, declare that the debt so by him stated as due to the people of this State, is, to the best of his knowledge and belief, true and just.

C H A P. XXV.

An ACT for the relief of Nathaniel Wattles and Medad Hunt.

Passed the 26th of January, 1793.

Preamble.

Preamble.

Preamble.

Commissioners of the
Land-Office to enquire
into the expenditures
of Nathaniel Wattles
and Medad Hunt.

Treasurer to pay the
amount of their certi-
ficate, not to exceed
£.120.

WHEREAS by an act passed the sixth day of April, one thousand seven hundred and ninety, the sum of eight hundred pounds, was appropriated for the purpose of opening and making a road from the Olehoudt on the River Susquehannah, to the River Hudson. *And whereas*, the Commissioners of the Land-Office, did contract and agree with Nathaniel Wattles and Medad Hunt, for the sum of six hundred and eighty pounds, to effect the purposes aforesaid.

And whereas it hath been represented to the Legislature, that the sum of six hundred and eighty pounds, will not indemnify the said contractors for the labor and materials expended on the said road. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Commissioners of the Land Office are hereby authorized and required, to make such inquiry as they may think proper respecting the sums of money expended by the said Nathaniel Wattles and Medad Hunt, the contractors for opening the road from the Olehoudt to Cats-Kill; and if it should appear to the said commissioners, that they have expended more money than the agreement specified in and about the road aforesaid, in consequence of their said contract, and that the same was beneficially applied, then and in that case the Commissioners aforesaid, shall and may certify the same to the Treasurer of this State, who is hereby authorized to pay to the said Nathaniel Wattles and Medad Hunt, the amount of such certificate, if the same shall not exceed the sum of one hundred and twenty pounds, as a further compensation to the said Nathaniel and Medad, for having completed the road aforesaid.

C H A P. XXVI.

An ACT for the relief of Benjamin Birdfall and his associates.

Passed the 4th February, 1793.

64,000 acres to be
granted to Benjamin
Birdfall and his associ-
ates.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Commissioners of the Land Office, to direct a quantity of the vacant and unappropriated lands in this State, equal to ten miles square, to be surveyed at such place to the Northward of the Mohawk River, as they shall judge proper, at the expense of Benjamin Birdfall and his associates, being all the persons who were concerned or associated in taking leases of the Six Nations of Indians within this State; and to issue patents to the said Benjamin Birdfall and his associates, their heirs or assigns, in the following shares, to wit: To Robert Van Rensselaer, James Bryant, Ezekiel Gilbert, Dominico Debarge, Benjamin Birdfall, Simon Spalding, Joseph Hamilton, Prince Bryant, Hezekiah Olcott, Peter Bartle, John Bartle, John Graham, Morris Graham, Daniel Niven, Joseph Barnard, John Collins, David Collins, Jeremiah Sabin, Benjamin Chace, William Wall, Henry J. Van Rensselaer, Peter R. Livingston, Benjamin Allen, Seth Jenkins, Henry G. Livingston, Hugh Welsh, Sarah Reed, Ezra Reed, Nathaniel Scribner, Caleb Benton, Bazaliel Sealy, Henry Livingston, Ambrose Lattin, John Livingston, William Hopkins, Charles M'Kinstry, Garret Ryckman, John M'Kinstry, Isaac Paris, Peter Bishop, Lark Jennings, William Whiting, Peter Loop, Jacob F. Shaver, William Pearce, Peter Ryckman, John D. P. Douw, Jacob Hy. Wendel, Matthew Visscher, Henry Tremper, Abraham Schuyler, Abraham Cuyler, Peter Schuyler, James Dean, Lawrence Tremper, John Maley, Eleazer Lindly, Henry Blatner, William Radcliff, Henry B. Livingston, William Stewart, Ebenezer Husted, Robert Troup, Benjamin Brown, William Potter, Cotton M. Smith, James Parker,

Walter V. Wempel, Obadiah Gore, and John Bay, each one share, to John Shephard and Nathaniel Shaw, one share, to John White and Andrew White, one share, to William Ludlow and Peter Ludlow, one share, to Ananias Cooper and Thomas Jones, one share, and to William Colbrath and Stephen Hogeboom, one share, being the persons associated as aforesaid, upon the Surveyor Generals return of the said land, to be laid out into as many lots as there are shares as aforesaid.

A. D. 1793.
Ind. U. S. XVII.
Surveyor General to
return as many lots as
shares.

C H A P. XXVII.

An ACT to confirm a Division and Exchange of a certain Tract of Land at Kinderhook, in the County of Columbia, granted to John Hendrix de Bruyn.

Passed the 4th of February, 1793.

WHEREAS it has been represented by petition to the Legislature, that a certain division and exchange of a tract of land granted to John Hendrix de Bruyn, by letters patent bearing date the twenty sixth day of December, one thousand six hundred and eighty six, was made in the years one thousand seven hundred and fifty one, and one thousand seven hundred and fifty two, at which periods the said tract was vested in the legal representatives of Laurens Van Alen, deceased, in nine shares or proprietary rights. That a part of the said land was laid into lots, and the remainder exchanged, that is to say: The land on the West side of Pine Ridge and Kallekoenebergh, for the land on the East side thereof; and that a map of the said tract and of the said division, with explanations thereof, was made by John R. Bleecker, Surveyor, and is deposited in the clerks office of the county of Columbia, and that two paper writings of the said exchange being duly proved, are recorded in the clerks office in the county of Albany. That doubts had been entertained respecting the validity of the said division and exchange, a continuance whereof might prove a source of litigation, and an obstruction to the cultivation and improvement of the said tract. That after so long a possession, the great improvements already made, and the various transmutations of property which have taken place under the said division and exchange, and the confusion which would result from attempts to invalidate the same, the petitioners had determined to abide by the said division and exchange, and therefore prayed a confirmation thereof, by a law to be passed for the purpose: And whereas the Legislature conceive it reasonable to grant the prayer of the said petition, subject to the saving clause, herein contained. Therefore

Preamble, respecting a division and exchange of lands at Kinderhook, in 1751 and 1752.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said division and exchange so made as aforesaid, shall be, and hereby are ratified and confirmed, and that the several and respective lots laid down on the said Map, shall be deemed to have been vested in fee simple, in the whole or in part in the respective proprietors, holding the shares in right of which the same were laid down as aforesaid. And further, that the land not laid into lots on the West side of the Pine Ridge and Kallekoeneberg, shall be deemed to have been duly vested in fee simple in the said proprietors at that time residing on the said West side. And further, that the land not laid into lots on the said East side of the Pine Ridge and Kallekoeneberg, shall be deemed to have been vested in fee simple by the said exchange in all the proprietors at that time residing on the said East side, as well those not named, in the said exchange, as those who were named therein, as tenants in common, according to their several and respective shares and proportions. And further, that the said Map shall remain in the Clerk's office of the county of Columbia for the time being, and the said Map, and the explanations thereon, and also the said two paper writings, recorded as aforesaid, shall be received and admitted as evidence in all courts of law and equity. Provided always, That neither this act, nor any clause or thing therein contained, shall in any wise affect or be deemed or construed to affect the right, title, estate, interest or possession of any person or persons, holding or claiming, by virtue of any other grant or letters patent, in any wise howsoever, nor to any person or persons claiming any right or title derived from or under any other person or persons other than the said Laurens Van Alen, deceased. And provided also, that nothing herein contained shall in any wise be construed to affect any right, title, or claim which Lawrence J. Van Alen and John J. Van Alen, or either of them, may have or prosecute to or for any of the said lands lying on the west side of the Pine-Ridge and Kallekoenebergh; but that all and every action or actions to be brought and prosecuted by them, or any of them, either in law or equity, for any of the said lands, shall and may be maintained or prosecuted, as if this act had not been passed, any thing herein contained to the contrary thereof in any wise notwithstanding.

Division and exchange of lands at Kinderhook, continued.

Provide.

Provide.

And be it further enacted by the authority aforesaid, That the remaining undivided land on the said east side of the Pine-Ridge and Kallekoenebergh shall and may be divided according to the fifteenth section of the act entitled "An act for the partition of lands."

Remaining undivided land, how to be divided.

C H A P. XXVIII.

An ACT for the Relief of Catharine Paris. Passed the 14th of February, 1793.

WHEREAS it hath been represented to the Legislature, that Isaac Paris, one of the militia in this State, was slain at the battle of Oriska, by the enemy of the United States; and that Catharine Paris, the widow of the said Isaac, hath not intermarried with

Preamble.

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£ 30 per annum to
Catharine Paris, during
her widowhood.

Proviso.

any person since the decease of her said husband, and is now in indigent circumstances; in consideration whereof,

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Treasurer of this State shall, on or before the first day of May next, pay to the said Catharine Paris, or her order, the sum of thirty pounds; and on the first Tuesday in May, in every year thereafter, during her widowhood, the like sum of thirty pounds.

Provided always, That if the said Catharine Paris shall sell, assign, or make over the said annual payments, or either of them, or any part thereof, then and from thenceforth, this act shall cease and become void.

C H A P. XXIX.

An ACT for giving further Time to the New Loan Officers of Queen's County, to loan the Monies in their Hands not already loaned.

Passed the 14th of February, 1793.

Duty of the new
Loan Officers of Queens

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the New Loan Officers of Queens county to retain the monies now in their hands belonging to this State, and not already loaned, until the first Tuesday of June next; and all such monies remaining in their hands after the said first Tuesday in June, for which no borrowers shall have appeared on or before that day, shall be by them disposed of in the manner directed by the twenty fourth section of the act for loaning monies belonging to this State.

Their further duty,
&c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful, and hereby is made the duty of the said Loan Officers to receive borrowers for the said monies, or any part thereof, at any time before the first Tuesday in June, and loan the same out, in such manner as is directed in the above mentioned act; and it shall also be the duty of the said Loan Officers to give eight days previous notice in writing, to be fixed up at the court-house, and at four other public places in their county, of the time and place by them agreed upon to receive borrowers for the said monies, and shall loan out the same in any sums they may judge proper to such persons as shall apply for the same, on such security, and in the same manner as is directed in and by the said act, "for loaning monies belonging to this State.

C H A P. XXX.

An ACT to amend the Acts therein mentioned, and for building a Bridge across the Wall-Kill, in the County of Orange. Passed the 14th of February, 1793.

Preamble.

WHEREAS by the twenty fourth section of the act, entitled, "An act for the better laying out, regulating, and keeping in repair all common and public highways and private roads in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany, and Montgomery," passed the 4th day of May, 1784, and the third section of the act, entitled, "An act relative to the highways and bridges in the towns therein mentioned," passed the 24th day of February, 1789, and the fifth section of the act, entitled, "An act for dividing the counties of this State into towns," passed the 7th day of March, 1788, it is enacted, that certain bridges and causeways in the towns of Goshen, New-Cornwall, Warwick, and Minisink, in the county of Orange, shall be built and kept in repair by a public tax, raised on the inhabitants of the said four towns of Goshen, New-Cornwall, Warwick, and Minisink. *And whereas* many bridges of considerable importance are neglected by reason of their not being comprised in the said acts, and no provision being made for building and repairing the same: Therefore

Certain bridges, &c.
to be made and re-
paired by the commif-
sioners of highways in
their respective towns.

Expenses thereof
how to be raised.

A certain proviso
repealed.

A bridge to be erect-
ed across the Wall-
Kill.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the bridges and causeways mentioned in the above recited acts, which have been made and kept in repair at the joint expense of the towns of Goshen, New-Cornwall, Warwick, and Minisink, in the county of Orange, shall, from and after the passing of this act, be built and kept in repair by the commissioners of the highways for the time being, in the respective towns in which the said bridges and causeways are situated, and the expense attending the same shall be raised, collected, and paid by the freeholders and inhabitants of the respective towns in which the said bridges are so severally situated, in the same manner as the other contingent charges of the county are raised and paid.

And be it further enacted by the authority aforesaid, That the last proviso in the twenty second section of the first recited act be, and hereby is, repealed.

And be it further enacted by the authority aforesaid, That the commissioners of the highways for the towns of Goshen and Minisink are hereby directed and required to cause a bridge to be erected across the Wall-Kill, at or near the place where the old bridge now stands, near the mill of Peter R. Ludlow; and an account of the expenses attending the

same shall be transmitted to the Supervisors of the county of Orange, at their then next annual meeting; and the said supervisors are hereby required and directed, to divide the whole amount of such expense between the said towns of Goshen and Minisink (provided the same shall not exceed the sum of one hundred and twenty pounds) in the proportion that the other contingent charges of the said county of Orange shall be divided between the said two towns, and cause the same to be levied and collected from the freeholders and inhabitants of the said two towns of Goshen and Minisink, and be paid to the county Treasurer in like manner as the other contingent charges of the said county are raised and paid; and the said Treasurer is hereby directed and required, to pay the said monies to the said commissioners, upon their producing an order from the said Supervisors for that purpose.

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Expenses thereof, by whom to be borne.

And how collected.

And paid to the commissioners.

C H A P. XXXI.

An ACT to alter the Division Line between the Towns of Schactekoke and Pitts-Town, in the County of Rensselaer, and for repealing the seventeenth Section of the Act therein mentioned.

Passed the 14th of February, 1793.

WHEREAS the Division Line between the towns of Schactekoke and Pitts-Town, in the county of Rensselaer, has been found inconvenient to the inhabitants of both towns: For remedy whereof,

Preamble.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That from and after the first Monday in April next, the Division Line of the said towns, shall be continued from Veile's or Toll's Bridge, on the Hosick river, in a direct course to the westernmost corner of Michael Vander Cook's grist-mill, in Cooksburgh, and from thence in the same direction to the manor of Rensselaerwyck; any thing in any other law heretofore passed to the contrary notwithstanding.

Division line between Schactekoke and Pitts-Town established.

And be it further enacted, That the contingent charges and expenses of the said towns, that have already arisen, or shall arise before the first Monday in April next, shall be assessed, levied, and paid in the same manner as if this act had not been passed.

Contingent charges, how paid.

And be it further enacted, That the seventeenth section of the act, entitled, "An act for dividing the several towns therein mentioned, passed the tenth day of April, one thousand seven hundred and ninety two, be, and hereby is repealed.

Seventeenth section of a former act repealed.

C H A P. XXXII.

An ACT to authorize the Commissioners of the Land Office to grant Letters Patent for the Lands therein mentioned. Passed the 21st of February, 1793.

WHEREAS James Latta, as well in behalf of himself, as in behalf of Moses Latta, Samuel Latta, and William Latta, did procure from the Commissioners appointed by law for that purpose, an allotment of a certain tract or parcel of land, situated in the township of Chemung, in the county of Tioga, containing three thousand one hundred and thirty acres, as appears by the map and field book, filed by the said Commissioners, in the office of the Surveyor General of this State.

Preamble.

And whereas the said James Latta did transmit the purchase money for the said tract of land, to be paid into the treasury of this State, but owing to some mistake, the same was not paid within the time limited by law for that purpose, and the said James Latta, in behalf of himself and his said associates hath prayed relief in the premises: Therefore

Preamble.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful to and for the said James Latta, Moses Latta, Samuel Latta and William Latta, at any time within the space of three Calendar months from the time of passing this act, to pay into the Treasury of this State, the whole of the purchase money, with lawful interest for the same, from the first day of March, one thousand seven hundred and ninety one, for the said tract of land, and upon such payment, it shall and may be lawful, to and for the Commissioners of the Land Office of this State, and they are hereby required and directed, to issue letters patent, under the great seal of the said State, in the usual form, to the said James Latta, Moses Latta, Samuel Latta and William Latta, or their legal representatives, for the aforeaid tract of three thousand one hundred and thirty acres of land, agreeable to the boundaries and description mentioned and contained in the map and field book aforeaid: And shall grant like letters patent, unto George Hall, or his legal representatives, for lot number fifty seven, containing one hundred and nine acres; unto Adam Conkle, or his legal representatives, for lot number eighty six, containing two hundred and ninety seven acres; unto David Holbroke, Henry Wells, Abiel Frey and Solomon Tracy, or to their legal representatives respectively, for lot number one hundred and forty, containing two thousand eight hundred and seven acres; to John Haggerty, or his legal representative, for lot number one hundred and nine, containing three hundred acres, and to Michael Shaff, or his legal representatives, for lot number one hundred and

When the commissioners of the Land Office are to grant a lot in Chemung, to James Latta, &c.

Also to George Hall, for lot No. 57.
To Adam Conkle.
To David Holbroke, &c.
To John Haggerty.

To Michael Shaff.

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Ind. U. S. XVII.

Proviso, respecting
purchase money, when
to be paid into the
treasury.

To Capt. Jellis A.
Fonda.

Preamble, respect-
ing a compensation to
Major Wood,

Land to be granted
to him.

Also to Lieut. Al-
dert Roofa.

ten, containing three hundred and fifty acres, agreeably to the description and boundaries of the said several lots mentioned and contained in the map and field book aforesaid.

Provided always, That the eight persons last mentioned, or their several legal representatives, shall previously, and within the space of three calendar months after the passing of this act, have paid into the Treasury of this State, the whole of the purchase money, for the five lots to be so granted, together with the lawful interest accrued subsequent to the first day of March, one thousand seven hundred and ninety one.

And be it further enacted, That it shall and may be lawful for the Commissioners of the Land Office, to direct letters patent to be granted to Jellis A. Fonda, late a Captain in Colonel Willett's regiment of New-York State Troops, for the like quantity of lands, in like manner granted to officers of the same rank and of the same regiment, by virtue of an act, passed the twentieth day of March, one thousand seven hundred and eighty one, and an act passed the twenty third day of March one thousand seven hundred and eighty two, for raising troops on bounties of unappropriated lands.

Whereas Major John Wood, of Goshen, whilst a Captain of Militia, was made a prisoner in an engagement with the enemy, during the late war, (in which he behaved with the propriety becoming a defender of the liberty of his country) and continued in captivity to the end of the war: In compensation therefore of his services and sufferings.

Be it further enacted, That it shall and may be lawful, to and for the commissioners of the Land Office, and they are hereby directed, to cause to be granted to the said John Wood, the like proportion of unappropriated land, part of the lands set apart for the use of the line of this State, lately serving in the army of the United States, and for other purposes, as has been granted to a Captain of the line of this State, serving in the army of the United States.

And be it further enacted, That it shall and may be lawful for the Commissioners of the Land Office, to direct letters patent to be granted to Aldert Roofa, late a Lieutenant in Colonel Willett's regiment of New-York State troops, for the like quantity of lands, in like manner granted to officers of the same rank and of the same regiment, by virtue of an act passed the twentieth day of March, one thousand seven hundred and eighty one, and an act passed the twenty third day of March, one thousand seven hundred and eighty two, for raising troops on bounties of unappropriated land.

C H A P. XXXIII.

An ACT relative to the Church in Johnstown.

Passed 27th February, 1793.

The right of the
State to a Church, &c.
in Johnstown, granted
to the trustees of the
Presbyterian congrega-
tion there, during
the pleasure of the
Legislature.

Reserving the use of
said Church for four
Sundays annually to
the Lutherans.
And for four Sundays
to Episcopalians, if re-
quired.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That all the estate, right, title, interest, claim and demand, of the people of the State of New-York, in and to the Stone Church, in the village of Johnstown, in the county of Montgomery, and one acre of land, lying and being in the said village, which acre of land is bounded as follows, to wit: Northerly by a lot of ground owned by George B. Troop, and a lot owned by Daniel Schovel, Westerly by the main street, Southerly by a lot owned by John Grant, junior, and Easterly by a street adjoining the East bounds of the said John Grant's lot and the lot aforesaid of George B. Troop; and also in and to all that certain tract of land, containing about forty acres, hertofore set apart by the late Sir William Johnson for a Glebe to the Church aforesaid, shall be, and hereby are granted to, and vested in the Trustees of the Presbyterian congregation in the village of Johnstown, in the town of Caughnawaga, in the county of Montgomery, and their successors, for and during the pleasure of the Legislature; reserving nevertheless to the Lutherans in the said town, the use of the said Church for four Sundays in each and every year, that is to say, the first Sunday after Easter Sunday, the first after Whit Sunday, the last in October, and the last in December, and with the like reservation to the Episcopalians in the said town, on the Sundays respectively succeeding those herein mentioned, if required by any number of the last mentioned religious persuasions, not less than ten.

C H A P. XXXIV.

An ACT appointing additional persons to cancel certain Bills of Credit of this State.

Passed the 27th February, 1793.

Preamble.

Additional persons
names.

WHEREAS one of the signers of the Bills of Credit, emitted in pursuance of the statute, entitled, "An act to take out of circulation the Bills of Credit emitted by law, and to emit others as a substitute," is deceased, whereby a further Legislative provision for cancelling the said Bills of Credit is become necessary. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the survivors of the signers of the said bills, together with Robert Benson, William W. Gilbert and John Broome, or any three of them, or any three of the survivors of them, shall be, and they are hereby authorized to do any and every act, matter or thing required of the persons appointed to sign the said Bills of Credit, emitted by the authority of the above mentioned act.

C H A P. XXXV.

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An ACT relative to the Streets and Highways in the City of Hudson.

Passed the 27th of February, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful to and for the Mayor, Recorder, Aldermen and Commonalty of the city of Hudson, in Common Council Convened, by ordinance or bye laws for such purposes to be made and ordained, from time to time, and in such manner, as they shall judge to be most conducive to the public good, to order and direct the pitching, levelling, forming and paving of such of the streets of the said city, within the limits following, viz. Beginning at the river Hudson, on the North line of the farm of Thomas Jenkins, which he bought of Jacob J. Van Hoefen, running Easterly along the said North line to and across the main road, thence Southerly along the Easterly side of the said road to and across the road leading from the city of Hudson to the town of Claverack; thence Westerly along the Southerly side of the said last mentioned road, to the house of Ezekiel Gilbert, lately occupied by John Mandeville; from thence on a direct line to the mouth of Cafawa Kill; thence North-West to the most Westerly bounds of the said city; thence Northerly and Easterly to the place of beginning, as the Mayor, Recorder, Aldermen and Commonalty of the said city in Common Council Convened, shall from time to time in their discretion, by any such ordinance or bye law, designate and appoint; and that for the better effecting thereof, the said Mayor, Recorder, Aldermen and Commonalty, in Common Council Convened, shall and may cause an estimate or estimates to be made of the expense of conforming to any such ordinance or bye law, and a just and equitable assessment thereof, among the owners or the occupants of all the houses and lots of ground intended to be benefited thereby, in proportion as nearly as may be, to the advantage they shall be deemed respectively to acquire thereby: And in order that the same may be impartially performed, the said Mayor, Recorder, Aldermen and Commonalty, in Common Council Convened, shall from time to time appoint five sufficient and disinterested freeholders for every such purpose, who shall, before they enter upon the execution of the trust reposed in them, be duly sworn before the Mayor or Recorder of the said city, to make the said estimate or assessment fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said Mayor, Recorder, Aldermen and Commonalty in Common Council Convened, shall be binding and conclusive upon the owners or occupants of such houses and lots of ground, so to be assessed respectively, and such owners or occupants respectively, shall thereupon become, and be liable and chargeable, and they are hereby required upon demand, to pay to such person or persons as shall be authorized by the said Mayor, Recorder, Aldermen and Commonalty, by their resolution or order for that purpose to be made in Common Council, to receive the same; and in default of payment thereof, it shall and may be lawful to and for the Mayor, Recorder and Aldermen of the said city, or any three of them, whereof the Mayor or Recorder always to be one, by warrant under their hands and seals, to cause the said sum or sums of money so assessed, to be levied by distress and sale of the goods and chattels of the owners or occupants of such houses or lots of ground so assessed, and refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting the sum assessed, and the charges of distress and sale to such owners or occupants, or his or her legal representatives.

Provided, That it shall be lawful to and for the said Mayor, Recorder, Aldermen and Commonalty, in Common Council Convened, in and by any of the said ordinances or bye laws, to direct and establish certain rates at which any labor performed, or materials furnished, by any such owner or occupant, for and towards the completion of such pavement, in the manner and in the proportion directed and prescribed in and by any such ordinance or by laws, shall be credited on the said assessment,

And be it further enacted, That nothing in this act contained, shall be construed to affect any contract or agreement that hath been or shall be made between any landlord and tenant respecting the payment of any such charges or repairs; but that they shall be answerable to each other in like manner, as if this act had never been made. And that in case any money so from time to time to be assessed, for the services aforesaid, shall be paid by any person, when by agreement or by law, the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person so paying the same, and he shall be and hereby is empowered and authorized to sue for and recover the same, with interest and costs of suit, in any court having cognizance of the same, as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

And be it further enacted, That if upon the completion of any such regulations as aforesaid, it shall appear to the said Mayor, Recorder, Aldermen and Commonalty of the said city, in Common Council convened, that a greater sum of money has been bona fide expended in completing such regulation than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said Common Council, to cause a farther assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occu-

The corporation of Hudson, by ordinance to pitch and pave the streets within certain limits.

To cause an estimate of the expense.

And an assessment,

To be made by five freeholders, under oath.

Whose certificate shall bind owners or occupants.

Who are to pay said assessments on demand.

Defaulters to be compelled by distress and sale of their goods, &c.

Proviso.
Corporation to establish the rates of labor, and materials furnished.

Agreements between landlords and tenants not to be affected.

Persons paying money in the stead of others, to recover with interest and costs of suit.

When a further assessment shall be made and collected.

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Surplusage, if any,
how to be disposed of.

Preamble respecting
the powers of the cor-
poration as to estab-
lishing, &c. streets,
&c. &c.

Proviso.

Preamble.

£.220. to be raised
for making, &c. the
streets.

pants of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in the like manner as herein before directed; and in case the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective person or persons from whom the same were so collected and received as aforesaid, or to his or her legal representative.

And whereas by the thirteenth section of the act, entitled, "An act for incorporating the inhabitants residing within the limits therein mentioned," passed the twenty second day of April, one thousand seven hundred and eighty five, it is enacted, that the Common Council of the said city of Hudson, for the time being, or a major part of them from time to time for ever thereafter, should have full power, license and authority to establish, appoint, order and direct the making and laying out all streets, lanes, ways, alleys, highways, water courses and bridges, not already made or laid out, and also the altering, amending and repairing all such streets, lanes, ways, alleys, highways, water courses and bridges theretofore made or laid out, or thereafter to be made or laid out in and throughout the said city, limits and precincts thereof, in such manner as the Common Council for the time being, or a major part of them should think or judge to be necessary and convenient for all the inhabitants and travellers there.

Provided always, That in all cases where the property of individuals is affected by the laying out, repairing or altering such streets, ways, lanes, alleys, highways, water courses and bridges as aforesaid, the said Common Council should proceed according to the mode pointed out to the commissioners of highways for the county of Albany, in and by certain acts of the Legislature in such case made or to be made and provided.

And whereas the Mayor, Aldermen and Commonalty in Common Council Convened, have by their petition represented that the present mode of assessing labor for making and mending the said streets, is very unequal and detrimental to many of the citizens of the said city: for remedy whereof

Be it further enacted, That it shall and may be lawful for the Mayor, Recorder, Aldermen and Commonalty of the city of Hudson, in Common Council Convened, to raise a sum of money, not exceeding two hundred and twenty pounds, for the purpose aforesaid, to be assessed, collected and paid in such manner as the other contingent charges of the said city are directed by law to be assessed, collected and paid.

C H A P. XXXVI.

An ACT to explain and amend the acts relative to the Partition of Lands.

Passed the 27th of February, 1793.

Preamble reciting
the provision of a for-
mer act, for partition
of lands

And doubts arisen
thereon.

Such doubts remov-
ed, as to the sale of
houses and lots.

Sales and convey-
ance of tenements,
how to be made, and
by whom.

And proportion of
money sold for, how
disposed of for absent
owners.

WHEREAS in and by the fifteenth section of the act, entitled, "An act for the Partition of Lands," it is enacted, that where any lands, tenements or hereditaments shall be held in common, it shall and may be lawful for the Court of Common Pleas in the county where such lands shall be, upon the application of one or more of the owners or proprietors of such lands, tenements, and hereditaments, for partition thereof, it being proved to the satisfaction of the Court, that the value of the said lands, tenements, and hereditaments, do not exceed five thousand pounds, to appoint three reputable freeholders of the county, Commissioners for that purpose; and it is in and by the said section provided, that where any houses and lots are so circumstanced, that a division thereof cannot be made without great prejudice to the owners or proprietors of the same, and the Commissioners appointed to make partition of the same shall so report to the Court, if it shall then appear to the Court that such houses and lots do not exceed in value the sum of three thousand pounds, the Court shall thereupon give orders to the said Commissioners to sell such house and lot, or houses and lots, at public vendue; which said provision was intended only to extend to town lots and the houses thereon, and not to large tracts of land. *And whereas* doubts have arisen respecting the said provision: Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That no lot or lots exceeding fifty acres, nor any house or houses thereon, shall be sold by virtue of the said recited proviso; and that no order shall be made by any court, for the sale of any house and lot, or houses and lots, unless it shall appear to such court by satisfactory proof, that the same lot or lots, do not contain more than fifty acres, and that the same cannot be divided among the owners, without great and manifest prejudice to them.

And be it further enacted by the authority aforesaid, That in all cases where any tenements are ordered by any court to be sold, the commissioners who are to sell the same, shall give at least thirty days notice of the time and place of such sale, and no conveyance shall be given by the commissioners until such sale shall be by them reported to and approved of by the court in which the order for such sale was made; and in case any of the owners shall be absent, his or their proportion of the monies shall be put out at interest, or invested in some of the stock of the United States, by order of the court, for his, her or their benefit.

And be it further enacted by the authority aforesaid, That in all cases where commissioners are appointed by any such court, to divide any lands, tenements or hereditaments held in common, they shall divide the same into as many parts, as there were shares in common, when such tenancy in common was first created and no more; and if any of the said parts are held in common by two or more persons, the owners of every such part may apply for, and have partition thereof among them, or a sale thereof, if it cannot be divided according to the directions of the said recited act, and of this act.

And be it further enacted by the authority aforesaid, That if on any of the lands, tenements or hereditaments so to be divided by commissioners to be appointed by any court of common pleas, there shall be any improvements made by any owner or proprietor or by any person or persons, by consent of any owner or proprietor of such lands, tenements or hereditaments, such improvements shall be valued and paid for, in the same manner as is directed in and by the sixth section of the act, entitled "An act for the partition of lands," and the several acts explaining and amending the same.

And be it further enacted by the authority aforesaid, That the third section of the act, entitled "An act to explain and amend an act, entitled "An act for the partition of lands," shall be and hereby is repealed.

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Lands, &c. held in common to be divided into as many parts as shares in the first tenancy in common.

Said parts held by two or more, how to be divided, &c.

Certain improvements, on lands, &c. to be divided, how to be valued and paid.

A section of a former act repealed.

C H A P. XXXVII.

An ACT concerning Roads in the Tract of Land granted to the Troops of this State, lately serving in the Army of the United States.

Passed 27th February, 1793.

WHEREAS in pursuance of the act, entitled "An act to carry into effect the current resolutions and acts of the Legislature, for granting certain lands promised to be given as bounty lands, and for other purposes therein mentioned," certain parts of the tract of land, set apart for the use of the troops of this State, lately serving in the army of the United States, have been sold, and an overplus of eight thousand nine hundred and sixty one dollars, after defraying the expenses accrued in and attending the surveys thereof, remains in the treasury of this State. *And whereas* in and by the said act, it is directed, that such overplus shall be applied towards laying out and making roads in and through the tract of land aforesaid. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That John L. Hardenbergh, Moses De Witt and John Patterson, shall be and they are hereby appointed a board of commissioners for laying out and making public roads and highways, in the tract of land aforesaid.

And be it further enacted by the authority aforesaid, That the monies in this act, and herein after mentioned and directed to be paid to the said commissioners, shall be by them appropriated and expended in opening and making public roads and highways, in and through the tract of land aforesaid, in the following manner, viz. A public road or highway, to begin in the south bounds of the said tract of land, at or near the place where the division line between the townships of Virgil and Cincinnatus strikes the said south bounds, from thence the most direct and eligible route to the Onondaga Salt Springs, avoiding as much as possible the Onondaga reservation. Another public road or highway, to begin at or near the place where the present road leading from the deep Spring to the Cayuga ferry, crosses the out-let of the Owasco Lake, and from thence southerly, the most direct and eligible route between the Skaneateles and Owasco Lakes, and to pass through the townships of Aurelius, Sempronius, Locke, and part of Dryden, and to terminate in the road lately marked and opened through the townships of Cincinnatus, Virgil, Dryden, and Milton, to the Cayuga Lake; another public road or highway to begin at or near the place where the last directed road intersects the division line between the townships of Sempronius and Locke, and from thence the most eligible and direct course to the Cayuga Lake, and to strike the said Lake where a point of land projects into the same, in or near the Division Line between lots number fifty-six and sixty-seven, in the township of Scipio; and another road to commence on the west side of the said Cayuga Lake, as nearly opposite the termination of the last mentioned road as may be; from thence, in as direct a route as the nature of the ground will admit of, to the Seneca Lake, and to strike the said Lake at or near the division line between the townships of Romulus and Ovid.

And be it further enacted by the authority aforesaid, That the roads herein directed to be opened shall be laid out four rods wide, and shall be cleared and opened at least one rod wide; and that it shall and may be lawful for the said Commissioners, or the major part of them, to make, open and improve the said roads, directed to be laid out by contract or otherwise, in such manner as to them, or a major part of them, shall appear most eligible, and for the public interest.

And be it further enacted by the authority aforesaid, That the Treasurer of this State be, and he is hereby authorized and directed to pay into the hands of the said Commissioners, out of the monies mentioned in the recital of this act, the sum of two thousand seven hundred dollars, to be applied and expended in making the public roads and highways by this act particularly mentioned and described.

Preamble, respecting the application of a certain overplus of 8,961 dollars.

Three Commissioners for laying out, &c. roads in the military lands.

Said Commissioners to expend the monies allowed them in opening and making certain roads in military lands.

Said roads to be laid out four rods wide, & to be cleared and opened at least one rod wide, by contract or otherwise.

2,700 dollars to be paid by the Treasurer to said Commissioners, to be applied in making said public roads.

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Commissioner's oath.

And be it further enacted by the authority aforesaid, That each of the said Commissioners, before he enters on the duties by this act enjoined on him, shall take and subscribe an oath before the Chancellor, or one of the Judges of the Supreme Court, or one of the Judges of the Court of Common Pleas, in any county within this State; which oath shall be administered and taken in the words following, viz. "I — do solemnly and sincerely promise and swear, that I will in all things, to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me by the act entitled, "An act concerning roads in the tract of land granted to the troops of this State lately serving in the army of the United States."

Their wages.

And be it further enacted by the authority aforesaid, That each of the said Commissioners shall be entitled, for their services and expenses, to the sum of sixteen shillings for each and every day they shall be respectively employed in the said business, to be retained by them out of the monies in and by this act directed to be paid to them.

Wages and expenditures to be accounted for.

And be it further enacted by the authority aforesaid, That the said Commissioners shall account with the Auditor of this State for their wages, and the expenditure of the monies they shall receive from the Treasurer as aforesaid.

C H A P. XXXVIII.

An ACT to Incorporate the Stockholders of the Bank of Columbia.

Passed 6th March, 1793.

Preamble.

WHEREAS Thomas Jenkins and others, associated in a company under the stile of the President, Directors, and Company of the Bank of Columbia, by their petition presented to the Legislature, have prayed for the privilege of being incorporated: Therefore

Stockholders of Columbia Bank, a Corporation till 1811.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That all such persons as now are, or hereafter shall be, Stockholders of the said Bank, shall be, and hereby are ordained, constituted, and declared to be and continue until the second Tuesday in May, which will be in the year of our Lord one thousand eight hundred and eleven, a body corporate and politic, in fact, and in name by the name of "The President, Directors, and Company of the Bank of Columbia," and that by that name they and their successors, until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the President, Directors, and Company of the Bank of Columbia, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said Corporation.

Number of shares, and amount of each.

And be it further enacted, That a share in the stock of the said Bank shall be four hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares, exclusive of any shares that may be subscribed on the part of the State, shall not at any time exceed four hundred; and subscriptions may be kept open under the direction of the President and Directors of the said Bank, until the said number of shares be filled; and the whole amount of the stock, estate and property, which the said Corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value one hundred and sixty thousand dollars.

Stock, &c. to be managed by thirteen directors.

And be it further enacted, That the stock, property, and concerns of the said Corporation, shall be managed and conducted by thirteen Directors, Stockholders, and Citizens of this State, who shall hold their offices for one year, eight of whom shall be residents of the city of Hudson; and the said thirteen Directors shall be elected on the second Tuesday of May, in every year, at such time of the day, and at such place in the city of Hudson as a majority of the Directors for the time being shall appoint, whereof public notice shall be given by the said Directors, at least sixty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Bank as shall attend in their proper persons, or by proxy. All elections shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election,

Their qualifications,

And election.

Elections to be by ballot, and how conducted.

shall be the Directors, except two or more persons have an equal number of votes in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as Directors, then the said Stockholders shall proceed in like manner to ballot a second time, and determine which of the said persons so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of thirteen: And the said Directors, as soon as may be after their election, shall proceed in like manner to elect one of their number to be their President; and three of the Directors who shall be chosen in any year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than nine of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the election of all such person or persons

A President, when to be elected.
Three Directors, when ineligible for one year.

above the said number, having a less number of votes than the said nine persons so elected as aforesaid, shall be considered as void; and such other of the Stockholders as shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons; and the President for the time being shall always be eligible to the office of Director; and no Stockholder residing out of the city of Hudson shall be eligible to the office of President: If any of the Directors resident in the city of Hudson shall remove out of the said city, or any other of the Directors shall remove out of this State, the office of such Director shall be considered as vacant; and if any vacancy or vacancies shall happen among the Directors by death, resignation, or removal, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of Hudson as the remainder of the Directors for the time being, or the major part of them, shall appoint; and that the first Directors shall be Thomas Jenkins, Seth Jenkins, Duncan Ingraham, Stephen Paddock, John Thurston, Justus H. Van Hoefen, David Lawrence, Cotton Gelston, William H. Ludlow, William Cantine, Walter V. Wemple, Peter Van Nefs, and John Livingston, and shall hold their offices until the second Tuesday of May next.

And be it further enacted, That in case it should at any time happen that an election of Directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

And be it further enacted, That each stockholder at elections, and on all other questions, shall be entitled to a number of votes, proportioned to the number of shares which he or she shall hold in his or her name, according to the following ratio; for one share, and not exceeding three, one vote; for four shares, and not exceeding seven, three votes; for eight shares, and not exceeding ten, five votes; and for every seven shares exceeding ten, one vote; but no person co-partnership, or body politic, shall be entitled to more than fifteen votes, and no stockholder, unless actually resident within the United States, shall vote on any occasion by proxy.

And be it further enacted, That the Directors shall make a dividend of so much of the profits of the said Bank, as to them, or a majority of them shall seem adviseable, on the first Monday of August next, and shall thereafter make half yearly dividends in manner aforesaid.

And be it further enacted, That a general meeting of the stockholders may be called whenever the Directors, or a majority of them, or a number of stockholders who in respect to their shares shall be entitled to seventy votes, shall judge proper; of which meeting the Directors or Stockholders calling it, shall give at least four weeks notice, in one of the public papers printed in the city of Hudson, and specify in such notice the object or objects of such meeting.

And be it further enacted, That this State shall have a right to subscribe any number of shares to the said Bank, not exceeding in the whole the number of fifty at any time when they shall by law authorize any person or persons for that purpose. And the State shall have a right to increase the number of shares and amount of stock which the said corporation may hold, to the amount of the number of shares so to be subscribed by the State, if the number of shares herein before limited, shall be subscribed before such subscription shall take place on the part of the State.

And be it further enacted, That every Cashier and Clerk, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Directors, such Cashier in a sum not less than five thousand dollars, and such clerk in a sum not less than one thousand dollars, with condition for the faithful performance of his duty.

And be it further enacted, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per cent per annum.

And be it further enacted, That no President or other Director shall be entitled to any emolument for their services, and that seven Directors shall constitute a board for the transaction of business, of whom the President shall be one, except in case of sickness or absence, in which case the Directors present may choose a Chairman pro hac vice; and that there shall be quarterly meetings of the said Directors at such times in the year as shall be appointed by the bye laws of the said corporation.

And be it further enacted, That the Directors shall have power to make and prescribe such bye laws, rules and regulations as they shall judge proper, touching the duties and conduct of the officers and servants employed therein, and such other matters as appertain to the said Bank, and shall have also power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

And be it further enacted, That the total amount of the debts which the said corporation shall at any time owe by bond, bill, note or other contract, over and above the specie then actually in the Bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the Bank; and in case of such excess, the Directors under whose administration it shall happen, shall, in case of loss, be liable for the same in their natural and pri-

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Where elections are void.

President may be chosen a Director
President's residence.
Director's office, when considered vacant.

Special elections, how, when and where held.

Names of the first Directors

Their continuance in office.

Election of Directors not made on the day pursuant to this act. How to be remedied.

Votes of Stockholders, how proportioned, &c.

A restriction as to residence.

Dividends, when to be made.

General meeting of Stockholders, when & how to be called.

The State's right to subscribe 50 shares.

And when to increase the Corporation's stock thereto.

Cashiers and Clerks to give bonds and security.

Loans or discounts at the rate of six per cent. per an.

No emolument to President or Directors, who shall constitute a Board.

Quarterly meetings, how appointed.

The duties, conduct, number, and salaries, of officers, &c. employed, to be prescribed and regulated by the Directors.

The Corporation's debts limited.

Where Directors shall be chargeable with certain losses in their private capacities.

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And the Corpora-
tion not exempted.
Absent Directors,
how they may exoner-
ate themselves

The lands, tene-
ments, &c. which the
Corporation may hold.

The Corporation
prohibited from trad-
ing in goods, &c. &c.

Transfer of stock
regulated.

Certain bills, under
the seal of the Corpo-
ration, made assigna-
ble and obligatory.

Certain other bills
or notes not under the
seal of the Corpora-
tion assignable, and
obligatory.

This a public act.

vate capacities ; but this shall not be construed to exempt the said corporation or any estate real or personal, which they may hold as a body corporate, from being also liable for and chargeable with the said excess, but such of the said Directors who may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, may respectively exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent to the Stockholders at a general meeting to be called for that purpose.

And be it further enacted, That the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts ; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandizes whatsoever.

And be it further enacted, That no transfer of stock shall be valid until entered or registered in a book or books to be kept for that purpose by the Directors, and unless the person making the same shall previously discharge all debts due by him or her to the said corporation.

And be it further enacted, That the bills obligatory and of credit, under the seal of the said corporation which shall be made to any person or persons, shall be assignable by indorsement thereon, and so as absolutely to transfer and vest the property thereof in each and every assignee and assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names ; and bills or notes which may be issued by the said corporation, signed by the President, and countersigned by the Cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like force and effect as upon any private person or persons, if issued by him, her or them in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

And be it further enacted, That this act be and is hereby declared to be a public act, and that the same shall be construed in all courts and places benignly and favourably for every beneficial purpose thereby intended.

C H A P. XXXIX.

An ACT for the relief of James Robinson, John Moore and John Graham,
Passed 6th March, 1793.

Treasurer to pay to
James Robinson £.100.

To John Moore, £.100

To John Graham,
£.23 : 18 : 3.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Treasurer of this State shall out of any monies in the treasury, not otherwise appropriated, pay to James Robinson, Master Carpenter in erecting the Government house, the sum of one hundred pounds, as a compensation and for his services in that department, and also to John Moore, Master Mason in erecting the said house, the sum of one hundred pounds, in full for his account and for his services in that department.

And be it further enacted, That the Treasurer of this State be, and he hereby is authorized and required to pay out of any monies not otherwise appropriated, to John Graham or his order, the sum of twenty three pounds eighteen shillings and three pence, as a compensation for his trouble and expences in defending a suit prosecuted by Benjamin Smith against him for acting as Vendue Master for the commissioners of sequestration for the county of Ulster.

C H A P. XL.

An ACT to enable the Corporation of the first Presbyterian Church in the City of New-York, to hold Real and Personal Estates of the Yearly value therein mentioned.

Passed the 6th March, 1793.

Preamble, reciting
a representation by the
Corporation.

WHEREAS the Corporation of the first Presbyterian Church of the City of New-York, by their petition to the Legislature have represented, that the members of the united Presbyterian congregations of the said city, have chosen nine persons to take charge of the temporalities thereof, under the name and style aforesaid, pursuant to the act, entitled, "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate, for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned."

Preamble reciting a
further representation.

And whereas the said Corporation by their said petition have further represented, that the yearly rent or income of one thousand two hundred pounds, which by the said act they have authority to hold, will not be sufficient to discharge the salaries of their Ministers and the other necessary expences attending their religious worship, and have therefore prayed that the same may be increased to the sum of two thousand four hundred pounds, which petition appearing reasonable. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the said Corporation and their successors, by whatever name, stile, or title, they may be hereafter known or called, shall have full power, good right, and lawful authority, to have, take, receive, acquire, purchase, use, and enjoy lands, tenements and hereditaments, goods and chattels, and to demise, lease, and improve the same, or any part thereof, to the benefit of such church of churches, congregation or congregations, society or societies, the temporalities whereof may be under their care. *Provided however,* that the yearly rent or income of such real and personal estates shall not exceed the sum of two thousand four hundred pounds, any thing in the act aforesaid, or in any other act to the contrary notwithstanding.

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The corporation of the first Presbyterian Church in New-York, to hold lands, tenements, &c.

Provided the yearly income whereof shall not exceed £2,400.

CHAP. XLI.

An ACT for the further direction of the Treasurer.

Passed the 7th March, 1793.

WHEREAS the Treasurer of this State is directed in some cases to give certificates in payment of demands against this State, and debtors to this State are likewise in some cases authorized to make payment in certificates. And whereas those provisions are become improper, Therefore

Preamble

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That in all cases where the Treasurer is by law directed to give certificates in payment of any demand against this State, he shall pay such demand in money instead of giving a certificate for the amount thereof.

The Treasurer, where to pay State debts in money, instead of certificates.

And be it further enacted by the authority aforesaid, That all acts of this State, authorizing any person to pay any debt, demand or sum of money whatsoever in certificates or public securities, other than the act providing for the payment and commutation of quit-rents, shall be, and hereby are repealed, and all such debts and demands, except for quit-rents, shall hereafter be paid in money.

And to receive from State debtors money instead of certificates, (with an exception.)

And be it further enacted by the authority aforesaid, That the Treasurer of this State for the time being, shall be and hereby is directed to sell at public vendue, all that farm, situated at Peek's Kill, in the county of Westchester, formerly belonging to John Johnson, and now vested in the People of this State, and all that certain tract or parcel of land described and known by lot number one, in the division of great lot number two, of the Hardenburgh patent in the county of Ulster, containing about three thousand acres, formerly the property of Abraham De Peyster, deceased, then Treasurer of the late Colony of New-York, and to give good and sufficient conveyances for the same to the purchaser or purchasers, and to their heirs and assigns for ever, which conveyances shall operate as a warranty on the part of the people of this State to the purchaser or purchasers thereof and to the heirs and assigns of such purchaser or purchasers.

Treasurer directed to sell at public vendue, sundry parcels of land.

CHAP. XLII.

An ACT for improving John Street in the Third Ward of the City of New-York, and for vesting the right of the People of this State to the Lands left for Streets in the City of New-York in the Corporation of the said City.

Passed 7th March, 1793.

WHEREAS it has been represented to the Legislature, that it is necessary that the lower end of John Street, in the third Ward of the City of New-York, commonly called Golden-Hill Street, should be enlarged and widened. Therefore

Preamble relative to the widening of the lower end of John Street or Golden-Hill.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That from and after the tenth day of May, which will be in the year of our Lord one thousand seven hundred and ninety four, the said street which now is only twelve feet four inches wide at the intersection thereof with Queen-street, between the houses of Moses Rogers and Thomas Pearfall, shall be enlarged and widened as follows, to wit: Beginning on Queen-street aforesaid, at a point eight feet eight inches East of the South West corner of the front of the house of the said Thomas Pearfall, and running thence by a straight line to a point three feet two inches East of the North West corner of the rear of the same house of the said Thomas Pearfall, and from thence in a straight line to the North West corner of the lot of ground of the said Thomas Pearfall on Golden-Hill-street aforesaid. And that on the South West side of the said street, the same shall be enlarged and widened by a direct line to be drawn from the North West corner of the new house, lately built by the said Moses Rogers, through the houses and lots of ground of Daniel Tooker, John Harrison and John Sproson, to the South-East corner of the dwelling house of Alexander Crawford; and to the end that reasonable satisfaction may be made for such parts of the said lots as may be necessary for the purposes aforesaid, the Mayor, Aldermen and Commonalty of the City of New-York in Common Council Convened, shall and may treat and agree with the respective owner or owners thereof, or with the person or persons respectively interested therein, or with his, her or their respective agent or agents, or legal representative or representatives; and if such person or persons, either any or all of them shall refuse to treat and agree in manner aforesaid, then and in such case it shall and may be lawful to and

Time when, and manner how, the said street shall be enlarged and widened.

Reasonable satisfaction, how to be made to owners of lots, for damages.

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for the Mayor or Recorder and any two or more Aldermen by virtue of this act, by a precept under their hands and seals, to command the Sheriff of the said City and County of New-York, to impanel and return, and he is hereby commanded to impanel and return a Jury of Merchants, being freeholders, to appear before the Mayor's Court of the said City at any term thereof, not less than three weeks from the date of such precept, to enquire of and assess the damages due, or that shall accrue to such owner or owners respectively of such houses and lots of ground, and to notify him, her or them by notice to be left at his, her or their most usual place or places of abode, if they respectively shall reside in the said city and county, but if not then on the premises respectively that may be supposed to be in charge to such Jury, at least fourteen days before the return of the said precept, to appear before such Mayor's Court at the day and at the place in such precept to be specified, which Jury being first duly sworn, faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises, if necessary or required by any or either of the owner or owners, agent or agents, or legal representative or representatives thereof, shall enquire of and assess such damages and recompence respectively, as they shall under all the circumstances judge fit to be awarded to the owner or owners of such respective houses or lots of ground for their respective losses or damages, according to their several and respective interests and estates therein, and the verdict of such Jury, and the judgment of the said Mayor's Court thereupon, and the payment of the sum or sums of money so awarded or adjudged to the owner or owners thereof, or tender or refusal thereof shall be conclusive and binding to all intents and purposes against the said owner or owners, his, her and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in, or to the said houses or ground. And it shall be thereupon lawful to and for the said Mayor, Aldermen and Commonalty of the said City of New-York, and their successors, to cause the same ground to be converted to and for the purposes aforesaid.

When such satisfaction is made, ground to be converted to aforesaid purposes.

Henry Rutgers and others, to determine what proportion of satisfaction shall be paid by the Common Council.

And what proportion shall be paid by individuals, whose estates are benefited by widening the said street, and to apportion the same among such individuals.

Said persons before they enter upon the execution of their trust to take a certain oath, and their assessment to be binding and conclusive on the owners of said estates so benefited.

And said owners to pay the sums assessed on their houses or lots to the Common Council, to be applied towards the payment of losses and damages sustained by opening said street.

And in default of payment of the sums so assessed, the same to be levied by distress and sale of goods.

And if the owner has no goods or chattels, then the house or lot to be chargeable therewith.

And be it further enacted, That it shall and may be lawful to and for Henry Rutgers, John Broome, Daniel M'Cormick, John Stagg and George Goffman, or a majority of them, upon a full and equitable consideration of all the circumstances attending the same, to determine what part or proportion of all and every of the said sums of money so to be paid, ought to be borne by the said Common Council, in consideration of the general convenience to the Citizens of the said City; and what part or proportion thereof, specifying the sum ought to be borne and paid by individual citizens, whose estates in the said street and vicinity thereof will become advanced or increased in value by such improvements, and to make a just and equitable assessment of the last mentioned sum among the owner or owners of all the houses and lots in the vicinity thereof, according to the benefit they may respectively be deemed to acquire or receive thereby, and that the said persons respectively, before they shall enter upon the execution of their trust, be duly sworn before the said Mayor or Recorder, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned in writing, subscribed by the said persons so appointed, or a majority of them, or a majority of the survivors of them to the said Common Council and ratified by them, shall be binding and conclusive upon the owner or owners of such houses and lots so to be assessed respectively, and the said owner or owners respectively shall thereupon become and be liable and chargeable, and they are hereby required, upon demand, to pay to such person as shall be authorized by the said Common Council to receive the same, the sum at which each such respective house or lot shall be so assessed, to be employed and applied for and towards the payment of such losses and damages as may have arisen in consequence of the enlargement and alterations hereby intended to be made, to the owner or owners thereof respectively so as aforesaid, by the Jury respectively to be assessed, and in default of payment thereof, or of any part thereof, it shall and may be lawful to and for the said Mayor, Recorder and Aldermen of the said City, or any three of them, of whom the Mayor or Recorder always to be one, by warrant under their hands and seals, to levy the sum and sums of money so assessed, by distress and sale of the goods and chattels of the owner or owners of such house and lot so assessed and refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting the sum assessed and the charges of distress and sale, to such owner or owners respectively, or his or their legal representative or representatives; and if it should so happen, that such owner or owners shall have no goods or chattels to satisfy the assessment aforesaid, that then and in such case the same shall be deemed a debt due from the owner or owners thereof, his, her or their lawful representative or representatives to the Mayor, Aldermen and Commonalty of the said City, and shall be payable to them within three months after such assessment, and moreover shall become a charge or lien and prior incumbrance upon such house and lot of ground into whose hands or possession the same shall then be, or at any time thereafter shall come or descend; and the respective owner or owners of such houses and lots of ground respectively at the time of such assessment, shall thereupon become and be respectively liable and chargeable, and they are hereby required to pay to the Treasurer or Chamberlain of the said City for the time being, who is hereby authorized to receive the same to the use of the said Corporation, the sum at which such houses and lots of ground shall be so assessed as aforesaid, and in default of payment thereof, the same shall and may be recovered at the suit of the said Treasurer or Cham-

berlain, in any court of record within this State, with costs of suit, and no such action or suit shall be abated or discontinued by the death of the Treasurer or Chamberlain of the said City, or by his resignation or removal from office, but shall and be continued and prosecuted to effect by his successor in office.

And be it further enacted, That all the estate, right, title, interest, claim and demand whatsoever of the People of this State, of, in and to all lands at any time heretofore left for streets or highways in the City of New-York, by any person or persons whomsoever, shall be and hereby is vested in the Mayor, Aldermen and Commonalty of the City of New-York and their successors, for the use of streets and highways.

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Right of the people of the State to any lands heretofore left for streets in New-York, vested in the Corporation.

C H A P. XLIII.

An ACT for removing Obstructions in Croton River and Muddy Boook, in Dutchess County.
Passed 7th March, 1793.

WHEREAS certain tracts of land adjoining Croton River, in the towns of Frederick and South-East, in the county of Dutchess, are frequently subject to inundations from obstructions in the said river, which, if reclaimed by the removal of such obstructions, and clearing the channels of the said River and Brook, would become fit for pasturage and mowing, and the proprietors of the said lands conceiving that they would be greatly benefited thereby, have, by their petition presented to the Legislature, signified their desire to have a law passed for that purpose: Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That in order to remove the Obstructions in the said River and Brook, and to clear the channels of the same, the sum of three hundred pounds shall be paid by the proprietors of the said lands, in proportion to the advantages each shall be deemed respectively to derive from the removal of the said Obstructions, and the clearing of the channels of the said River and Brook; which sum shall be assessed upon the said several proprietors by the persons for that purpose to be elected and chosen, in the manner herein after mentioned; and be collected, paid, laid out, and expended in defraying the expense of removing the said Obstructions, and clearing the channels of the said River and Brook, by the other persons for that purpose to be elected and chosen in manner herein after mentioned, in such manner as they or a majority of them shall think proper.

And be it further enacted, That Joseph Crane, Matthew Patterson, and Samuel Augustus Barker, or any two of them, shall, as soon as conveniently may be after the passing of this act, call a meeting of the said proprietors, at some convenient time and place, to be by them, or any two of them for that purpose appointed, by advertising the same in the newspaper to be printed in the town of Poughkeepsie, in the said county, for three weeks successively; and by public notifications thereof in writing, to be put up in three or more of the most public places in each of the said towns of Frederick and South-East, and to be previous to such time of meeting; and shall then and there, by plurality of votes of the said proprietors, cause to be elected and chosen, five persons for the making the assessment aforesaid, and also three other persons for the purposes of collecting, paying, laying out, and expending the said sum of three hundred pounds, for the purposes aforesaid; and such first mentioned persons, so to be elected and chosen as aforesaid, or a majority of them, are hereby authorized, empowered and required to assess the said sum of three hundred pounds in manner aforesaid, and to make returns of such assessments, when made, to the persons to be elected and chosen in manner aforesaid, for the purpose of collecting, paying, laying out and expending such money as aforesaid, who are hereby empowered to collect the said sum of three hundred pounds from the several persons on whom the same shall be assessed as aforesaid; and for that purpose to sue and prosecute for the same in cases of non payment in any Court within this State having cognizance thereof; and to pay, lay out, and expend the same in effecting the purposes aforesaid, in such manner as they, or a majority of them, shall think proper.

Preamble reciting that certain lands adjoining Croton river, are frequently overflowed by obstructions in said river,

£.300. to be paid by the proprietors of such lands, for removing such obstructions, in proportion to their benefits.

Said sum to be assessed, collected and expended by persons to be elected as herein after directed.

A meeting of the proprietors to be called by public notification.

And at such time five persons shall be chosen to make assessment, and true of collecting and expending the money.

C H A P. XLIV.

An ACT to amend an Act, entitled, "An Act for the Relief of Cities and Towns from such Charges as may arise from Bastard Children born within the same."
Passed 9th March, 1793.

WHEREAS it often happens that women go out of the county where their lawful settlement is, into another county within this State, and there are gotten with child of such Bastard Children, and then return, or are sent back to the town where their legal settlement is; and whereas the said law has provided no remedy against the reputed Father of such Bastard Child or Children who resides in such other county: For remedy whereof,

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any woman shall be delivered of a Bastard Child, which shall be chargeable, or likely to become chargeable to

Preamble.

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If any woman shall be with child of or be delivered of a bastard child, likely to become a charge on any town, and shall declare on oath before a Justice, that a person residing in another town or county got her with child, what mode is then to be pursued.

any city or town, or shall declare herself to be with child, and that such child is likely to be born a Bastard, and to become chargeable to any city or town, and shall in either of such cases, on an examination to be taken in writing, upon oath before any one or more Justice or Justices of the peace of any city or of any county wherein such town is, charge any person with having gotten her with child in any other county or city within this State, and that such person so having gotten her with child, shall reside or be in any other city or county in this State, it shall and may be lawful for such Justice or Justices, upon application made to him or them by the overseers of the poor of such city or town, or persons acting as such, or by any one of them, to issue out his or their warrant for the immediate apprehending such person so charged as aforesaid, and for bringing him before such Justice or Justices, or before any other Justice of the Peace of such city or county; in such case it shall be lawful, and is hereby made the duty of the Constable, or other proper officer to whom such warrant shall be directed, to carry the same to some one Justice or Justices of the Peace of such city or county wherein such person resides or is said to reside, or can be found so charged as aforesaid; and such Justice is hereby required, upon proof being made upon oath of the hand-writing of the Justice granting such warrant, to indorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed to execute such warrant in such other city or county where such warrant was endorsed, and to apprehend and take such person so charged as aforesaid before the Justice who indorsed such warrant, or some other Justice of the Peace of such city or county where such warrant was endorsed; and in case such person so apprehended and charged as aforesaid, shall be willing and ready to give security to indemnify such city or town where such Bastard Child is chargeable, or likely to become chargeable, or enter into recognizance for his appearance at the next General Session of the Peace to be held in and for the city or county wherein such town lies, such Justice of such other county or city before whom such person shall be brought, shall and may take such security, or such recognizance as aforesaid, in the same manner as the Justice or Justices of the Peace of the proper city or county might or ought to have done; and the Justice so taking such security or recognizance shall deliver the same, together with all other proceedings had or done by him in the premises, to the Constable or other person so bringing such person before him, who are hereby required to receive the same, and to deliver over such recognizance and other proceedings to the Justice or Justices who originally granted such warrant, or to some other Justice of the Peace of such county or city where such warrant was granted; and such Justice or Justices are hereby required to proceed on and with the same as if the said recognizance and other proceedings were had or taken by themselves; and such recognizance and other proceedings shall be as good and effectual in law to all intents and purposes, and of the same force as if the same had been entered into, taken and acknowledged before a Justice or Justices of the Peace for the proper city or county where the said Bastard Child is chargeable, or likely to become chargeable, and the same proceedings shall be had thereon; and in case such Constable, or other person to whom such recognizance and other proceedings shall be so delivered, shall refuse or neglect to deliver over the same as herein before directed, such Constable or other person shall forfeit the sum of fifty pounds, to be recovered against him by action of debt, bill, plaint, or information, in any Court of Record, by any person who will prosecute or sue for the same; and if such person, so apprehended as aforesaid, shall not give such security, or enter into such recognizance, to the satisfaction of the Justice before whom such person shall be so brought in such other county or city, then the Constable or other person shall take such person so apprehended before the Justice who issued such warrant originally, or before one of the Justices of the Peace of the county or city where such warrant was issued; and the said Justice or Justices shall proceed against such person so charged and so brought before him or them, as they might or ought to have done if the said person resided in the county or city where such warrant was issued. And further, that no action of trespass, false imprisonment, information or indictment, or other action, shall be brought, sued, commenced, or prosecuted by any person or persons whatsoever, against the Justice who shall indorse such warrant, for or by reason of his indorsing such warrant; but such person or persons shall be at liberty to bring or prosecute his or their action or suit against the Justice or Justices who granted such warrant, in the same manner as he or they might have done if this act had not been passed.

If recognizance forfeited, not to be sent into the Court of Exchequer, but prosecuted by the Clerk in the Court of Common Pleas of the county where the person who entered into the same can be found.

And the money, when recovered, to be paid to the overseers of the poor.

Court may order the Clerk to compound for the penalty.

And be it further enacted by the authority aforesaid, That if any recognizance already taken, or hereafter to be taken, in any case concerning Bastardy, shall become forfeited, such recognizance shall not be estreated and sent into the Court of Exchequer, but the Court of Sessions of the Peace to which such recognizance has been or may be returned, shall in all such cases direct the Clerk of the city or county to prosecute a suit upon the said recognizance in the court of Common Pleas of the city or county where the person or persons who entered into such recognizance can be found; and the money, when recovered, shall, after deducting the charges of such recovery, be paid by such Clerk to the Overseers of the Poor of the town or place, for the indemnification whereof such recognizance was taken, to be applied to the relief of the poor thereof; and it shall be lawful for the Court of Sessions into which such recognizance is or shall be returned, at any time after the forfeiture thereof, to order and direct the Clerk of the city or county to compound for the penalty thereof, in such manner and upon such terms as the said Court shall judge proper.

CHAP. XLV.

An ACT to organize the Militia of this State.

Passed 9th March, 1793.

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WHEREAS by the Constitution of the United States, the Congress has power to provide for organizing, arming and disciplining the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the Militia, according to the discipline prescribed by Congress.

And whereas the Congress did on the eighth day of May, one thousand seven hundred and ninety two, pass an act, entitled, "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," which act is in the words following, viz.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every free able bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty five years, (except as is herein after excepted) shall severally and respectively be enrolled in the Militia by the Captain or commanding officer of the company within whose bounds such citizen shall reside, and that within twelve months after the passing of this act, And it shall at all times hereafter be the duty of every such Captain or commanding officer of a company to enrol every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty five years, (except as before excepted) shall come to reside within his bounds, and shall without delay notify such citizen of the said enrolment by a proper non-commissioned officer of the company by whom such notice may be proved. That every citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than twenty four cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball, or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle and a quarter of a pound of powder, and shall appear so armed, accoutred and provided, when called out to exercise or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and epaulet; and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound; and every citizen so enrolled and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or for the payment of taxes.

And be it further enacted, That the Vice President of the United States, the officers judicial and executive of the government of the United States; the Members of both houses of Congress and their respective officers; all custom-house officers with their clerks; all post-officers and stage drivers, who are employed in the care and conveyance of the Mail of the post-office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who now are or may hereafter be exempted by the laws of the respective States shall be and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen and under the age of forty five years.

And be it further enacted, That within one year after the passing of this act, the Militia of the respective States shall be arranged into divisions, brigades, regiments, battalions and companies, as the Legislature of each State shall direct, and each division, brigade and regiment shall be numbered at the formation thereof, and a record made of such numbers in the Adjutant General's office in the State, and when in the field or in service in the State, each division, brigade and regiment shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank; that if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies, each company of sixty four privates; that the said Militia shall be officered by the respective States, as follows: To each division, one Major General and two Aids-de-Camp, with the rank of Major, to each brigade one Brigadier General with one Brigade Inspector, to serve also as a Brigade Major, with the rank of a Major; to each regiment one Lieutenant Colonel Commandant, and to each battalion one Major; to each company one Captain, one Lieutenant, one Ensign, four Serjeants, four Corporals, one Drummer and one Fifer or Bugler; that there shall be a regimental Staff to consist of one Adjutant and one Quarter-Master, to rank as Lieutenants, one Pay-Master, one Surgeon and one Surgeon's Mate, one Serjeant-Major, one Drum-Major and one Fife-Major.

And be it further enacted, That out of the Militia enrolled as is herein directed, there shall be formed for each battalion, at least one company of grenadiers, light infantry or riflemen, and that to each division there shall be at least one company of artillery and one troop of horse, there shall be to each company of artillery, one Captain, two Lieutenants, four Serjeants, four Corporals, six Gunners, six Bombardiers, one Drummer and one Fifer; the officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to

Preamble.

Reciting that by the constitution Congress are empowered to organize the militia, reserving to the States the appointment of their own officers.

Reciting, further, that in consequence of such power, Congress have passed an act for establishing an uniform militia, and also reciting the act at full length.

Every free able bodied white man between the ages of 18 and 45 years, to be enrolled by his Captain within a certain time. To be notified of such enrolment,

Every person so enrolled to furnish himself with arms and ammunition.

Commissioned officers, how to be armed, &c.

Arms and accoutrements exempted from executions or sales for debt or taxes.

Certain descriptions of persons exempt from militia duty.

Arrangement of the militia into divisions, brigades, &c.

When in the field, to take rank according to their number.

What each brigade, regiment, battalion, and company is to consist of.

Militia to be officered by the States, as herein directed.

To each battalion, one company of grenadiers light-infantry or riflemen.

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To each division, at least one company of artillery and one troop of horse; such company, how to be officered and equipped.

The artillery company and troop to be formed of volunteers from the brigade.

Regiments and companies, how to be provided with colours, drums and fifes.

One Adjutant General to be appointed in each State, and his duty pointed out.

What rules of discipline are to be observed by the militia.

Commissioned officers, how to take rank.

Any officer or private who shall be wounded in service to be taken care of at the public expence.

Duty of the Brigade Inspector pointed out.

Such corps &c. as by common usage have not been incorporated in the general militia regulations, to retain their privileges.

Preamble to the provisions made by the State Legislature.

contain twelve cartridges, and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordinance and field artillery is provided. There shall be to each troop of horse, one Captain, two Lieutenants, one Cornet, four Serjeants, four Corporals, one Saddler, one Farrier, and one Trumpeter; the commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bear-skin caps, each Dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion and valise holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box to contain twelve cartridges for pistols. That each company of Artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the Commander in Chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expence, the colour and fashion to be determined by the Brigadier commanding the brigade to which they belong.

And be it further enacted, That each battalion and regiment shall be provided with the State and regimental colours by the field officers, and each company with a drum and fife, or bugle horn, by the commissioned officers of the company, in such manner as the Legislature of the respective States shall direct.

And be it further enacted, That there shall be an Adjutant General appointed in each State, whose duty it shall be to distribute all orders from the Commander in Chief of the State, to the several corps, to attend all public reviews when the Commander in Chief of the State shall review the militia, or any part thereof, to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act, to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made, to receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said Adjutant General may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the Commander in Chief of the State.

And be it further enacted, That the rules of discipline approved and established by Congress in their resolution of the 29th of March, one thousand seven hundred and seventy nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances; it shall be the duty of the commanding officer at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

And be it further enacted, That all commissioned officers shall take rank according to the date of their commissions, and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

And be it further enacted, That if any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for at the public expence.

And be it further enacted, That it shall be the duty of the Brigade Inspector to attend the regimental and battalion meetings of the militia composing their several brigades during the time of their being under arms, to inspect their arms, ammunition and accoutrements, superintend their exercise and manœuvre, and introduce the system of military discipline before described throughout the brigade agreeable to law, and such orders as they shall from time to time receive from the Commander in Chief of the State, to make returns to the Adjutant General of the State, at least once in every year of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which in his judgment may relate to their government and the general advancement of good order and military discipline; and the Adjutant General shall make a return of all the militia of the State, to the Commander in Chief of the said State, and a duplicate of the same to the President of the United States. And whereas fundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which by the laws, customs, or usages thereof, have not been incorporated with or subjected to the general regulations of the militia:

Be it further enacted, That such corps retain their accustomed privileges, subject nevertheless to all other duties required by this act, in like manner with the other Militia."

And whereas the reservations contained in the said Constitution relative to the Militia of the States respectively, renders it necessary that provision should be made in the premises by the Legislature of this State. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Militia of this State shall be arranged into four divisions, and that each division shall comprehend one of the great districts of this State, in each of which districts a Major General shall be appointed, and each division shall be formed into as many brigades, and each brigade into as many regiments, and each regiment into as many companies as the Commander in Chief of the Militia of this State, for the time being, shall in his discretion from time to time deem meet and proper; and shall also order, that at least one company of artillery, and one troop of horse be formed from every brigade, or from such of them as he shall direct and require; and all returns from the Militia corps respectively shall be made out and transmitted in such manner and at such time as the said Commander in Chief shall from time to time direct and require.

And be it further enacted, That the Militia of this State shall rendezvous three times in every year, for the purpose of training, disciplining and improving in martial exercise, twice by companies within their respective beats, and once by regiments, except as is herein after excepted; and that each Brigadier General shall appoint the regimental parades at such time and place as he may think proper, as nearly central as may be within each of the respective regiments, that the time and place of the rendezvous for the companies shall be appointed by the Colonel or Commanding officer of the regiment, and arranged on different days, that the Field and Staff officers may have an opportunity of attending the several companies exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment; that the artillery company and troop of horse belonging to each division or brigade, shall meet at such times and places as shall be appointed for that purpose by the Major General or commanding officer of the division.

And be it further enacted, That a court-martial shall consist of thirteen commissioned officers who shall appoint their own Judge Advocate, which Judge Advocate shall tender to each member, and each member is hereby required to take the following oath, "You—do swear, that you will well and truly try and determine according to evidence, the matter now depending between the People of the State of New-York, and the person or persons to be tried, and you do further swear, that you will not divulge the sentence of the court until the same shall be approved or disapproved, pursuant to the act, entitled, "An act to organize the Militia, of this State," neither will you, upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof by a court of justice in a due course of law, so help you God." And the President is hereby authorized to tender to the judge advocate, who is hereby enjoined to take the following oath, "You—do swear, that you will not upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law; and that you will not divulge the sentence of this court, until the same shall be approved or disapproved, pursuant to the act entitled, "An act to organize the Militia of this State," to help you God;" and it shall and may be lawful for the President of any such court after he shall have received notice of his appointment, and he is hereby required on application, to issue his precept, directed to any witness or witnesses to be summoned, commanding his, her or their attendance at the time and place appointed for such court to set, to give evidence in behalf of the people of this State, or for the person or persons to be tried, (as the case may be) and such witness or witnesses being summoned and making default, shall incur the like fines and forfeitures as are inflicted on witnesses for their default, by the ninth section of the act for the more speedy recovery of debts to the value of ten pounds, passed the seventeenth day of April, one thousand seven hundred and eighty seven; and the President of any such court martial, shall be and he is hereby empowered, to administer the usual oath to such witnesses as shall come to give evidence to such court, during the time he shall be President thereof; and that if any officer shall be arrested by virtue of this act, the charge shall particularly be set forth in writing, and signed by the arresting officer, a copy whereof shall be delivered to such officer so arrested or left at his usual place of abode, within three days after such arrest; and the person so arrested shall not be held to answer to any matter whatever, not set forth in such charge; that every commissioned officer who shall be convicted by a general court martial, of having refused or neglected to perform any of the duties of his office, shall be punished according to the nature and degree of his offence, at the discretion of the said court, either by fine or removal from office.

Provided, no fine shall exceed ten pounds for the first offence, or fifty pounds for any subsequent offence, and every such fine shall be levied and collected by warrant under the hand and seal of the officer having instituted the court martial, or in his absence by the commanding officer of the division, if such court martial was formed from the division, or by the commanding officer of the brigade, if such court martial was formed from the brigade, directed to any one Adjutant of the brigade, or person acting as such, to which such officer on whom such fine is imposed may belong, in like manner as the fines hereinafter mentioned to be recovered of the non-commissioned officers and privates for neglect or refusal of duty. That the proceedings and sentence of every court martial, by which any officer shall be removed from office, shall be in writing, signed by the President thereof, and

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Militia to be arranged into four divisions, &c.

And all returns to be made in such manner as he shall direct.

Militia to rendezvous three times a year.

Brigadier to appoint the times and places of regimental parade.

Colonel to appoint the times and places of rendezvous for the companies.

Major General to direct the times and places of meeting of the artillery and troops of horse.

'Court martial', of whom to consist, and Judge Advocate, how to be appointed, who is to tender a certain oath to the members of the Court.

President to tender an oath to the Judge Advocate.

President of the Court may issue his precept for summoning witnesses.

Witnesses so summoned and making default subject to a penalty.

President empowered to administer oaths to witnesses.

When any officer is arrested, a copy of the charges shall be delivered to him.

Every officer who shall be convicted, to be punished by fine or removal.

Fines not to exceed a certain sum, and how to be collected.

Proceedings and sentence of a court martial to remove an officer, to be transmitted to the Commander in Chief for his approbation or disapprobation.

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All other proceedings and sentences to be transmitted to the commanding officers of the division or brigade for their approbation or disapprobation.

Provido.

All sentences of removal confirmed by the Commander in Chief, to be laid before the Council of Appointment.

Court martial for the trial of officers by whom to be ordered, and of whom to consist.

Fine on non-commissioned officer for neglecting to warn men, when thereunto ordered.

Fine on every person for neglecting to attend when so warned, or attending not properly armed.

Provido, no fines to be levied until the person fined shall have been summoned before a board of officers, to shew cause why he should not pay the fine.

And all such fines as shall be confirmed by such board, how to be levied and collected.

When fines are collected, how to be applied.

Persons receiving fines how to account for the same.

Boards of officers for examining into fines, how to be instituted, and their duties.

shall by him be delivered to the commanding officer of the division or brigade, as the one or the other may have instituted the court martial, to be by him transmitted to the commander in chief of this State, who shall approve or disapprove of the same in orders; and that all other proceedings and sentences of courts martial, shall also be in writing, signed by the President thereof, and by him be delivered to the commanding officer of the division or brigade, (as the case may be) who shall approve or disapprove of the same in orders. *Provided*, That no sentence of a court martial on a general officer, shall go farther than removal from office. That all sentences of courts martial by which any officer shall be removed, and which shall be approved by the commander in chief of this State, shall by him from time to time be laid before the Council of Appointment, to the end, that the person administering the government of this State for the time being, by and with their advice and consent, may appoint others instead of the officers so removed from office.

And be it further enacted, That courts martial for the trial of general officers, shall be ordered by the commander in chief of this State, and shall consist of general and field officers, taken from a roster to be kept by the Adjutant General for that purpose: That courts martial for the trial of field officers, shall be ordered by the commanding officer of the division, and shall consist of commanding officers of brigades, field officers, and if requisite, of Captains. That courts martial for the trial of officers below the rank of field officers, shall be ordered by the commanding officer of the brigade, and shall consist of field officers and others of inferior rank. That courts martial for the trial of non-commissioned officers and privates, shall be ordered by the commanding officer of the regiment, and shall consist of officers not of the rank of field officers; that rosters shall be kept by the proper officers from which such courts martial shall be formed; that the sentence of every court martial shall be approved or disapproved by the officer having instituted the same, saving to the party tried, an appeal to the commander in chief to whom the sentence of every general court martial shall be reported without delay.

And be it further enacted, That every non-commissioned officer who shall neglect to warn the men to appear at any rendezvous mentioned in this act, when thereunto required by his Captain or commanding officer, without sufficient excuse, shall forfeit the sum of two pounds. That every non-commissioned officer or private, who shall neglect to appear when warned in pursuance of this act, without sufficient excuse, shall for every day he neglects to appear at the regimental or battalion rendezvous, forfeit the sum of sixteen shillings; and for every day he neglects to appear at the company parade, forfeit the sum of eight shillings, and if he shall not be armed and equipped according to the directions of this act, when so appearing, without sufficient excuse, he shall for every deficiency forfeit the sum of one shilling, and appearing without a musket, the sum of four shillings.

Provided always, That none of the fines aforesaid, or any other arising from offences in a regiment or company thereof, any company of artillery or troop of horse, other than for disobedience of orders under arms, shall be levied on any delinquent until he shall have been summoned to appear before a board of officers, to be instituted as herein after directed, that he may shew cause why such fine should not be levied, and all fines which such board shall determine as proper to be exacted, shall be levied by warrant from the President of such board to one or more Serjeants or Corporals of the regiment or company to which the offender belongs, whose duty it is hereby made to collect the same by distress and sale of the goods and chattels of the offenders respectively. And in case any such defaulter shall live with his father or mother, or shall be then an apprentice or indented servant, the master or mistress, or father or mother (as the case may be) shall be liable to pay the said fine, with costs, and in default of payment the said Serjeant or Corporal shall levy the same upon the goods and chattels of such father or mother, or master and mistress; and all fines arising from any offences within any brigade, shall, when recovered, be paid to such person as the commanding officer of the brigade shall appoint for the purpose, and as much thereof shall be appropriated by the order of the said commanding officer as he shall think proper, for the purchase of such colours, drums and fifes for the different corps in the brigade as may be requisite, and the residue, if any there be, for the purpose of purchasing such arms as are designated in the first section of the act herein before recited, to be deposited as the said commanding officer shall direct, to be delivered in case of invasion or insurrection to such of the Militia of the brigade as may be destitute of arms, to be returned whenever thereunto required by the commanding officer of the brigade, regiment or company, and in case any or either of the said Serjeants or Corporals to whom such warrants shall be directed as aforesaid, shall neglect his duty in the premises, he shall for every such neglect, forfeit the sum of twenty four shillings, to be levied and collected in manner aforesaid, by a like warrant; which monies when collected, shall be paid and appropriated in manner aforesaid, and that it shall be the duty of the person receiving such fines, once in every year, to render an account to the Brigadier or officer commanding the brigade, of all his receipts and expenditures in pursuance of this act.

And be it further enacted, That the commanding officer of a brigade shall institute as many boards of officers, each to consist of not less than three, nor more than five, as there are regiments in his brigade, who shall from time to time convene at such place and at such

times as the commanding officer of the brigade shall direct; to the President of each of which boards, all returns of delinquents from the corps designated in the brigade orders shall be made, which President shall direct the delinquents on a day and at a place certain to be summoned to appear before the said board, and to shew cause why the fines incurred by them should not be levied, and it shall be in the discretion of such board to cause the fines to be levied in manner aforesaid, either in the whole, or mitigated in their discretion, or remitted, and for such as the board shall direct to be levied, warrants shall issue in manner herein before directed.

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And be it further enacted, That the Commander in Chief of this State, for the time being, may, in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the Militia of this State, to march to any part thereof, and continue as long as he may think necessary, and likewise may, in consequence of an application from the Executive of any of the United States, on an invasion or insurrection, or an apprehension of an invasion of such State, at his discretion, order any number of the Militia, not exceeding one third part thereof to such State.

Commander in Chief, in case of invasion or emergency in this or a neighbouring State, may order out the militia into actual service.

Provided, That they be not compelled to continue on duty out of this State more than forty days at any one time; that while in actual service in consequence of being so called out, they shall receive the same pay and rations, and be subject to the same rules and regulations as the troops of the United States of America.

Proviso relative to the time they may be kept out of the State, and to their pay and discipline.

And be it further enacted, That in addition to persons exempted from Militia duty by the law of the United States herein before recited, there shall be and hereby are exempted by this act from such duty as aforesaid, the following persons, viz. the Lieutenant Governor of this State, Members of both houses of the Legislature of this State and their respective officers, the Chancellor, the Chief Justice and other Justices of the Supreme Court, Judge of the Court of Probates, and all other Judicial Officers of this State, Secretary, Treasurer, Attorney General and Auditor for this State, Surveyor General, Register and Clerks of Courts, Sheriffs, Coroners, Constables and Gaolers, two Ferry-men employed to each boat, the Surrogates in the several counties, all Ministers and Preachers of the Gospel, Physicians and Surgeons, except in their several professions and callings, the Professors, Teachers and Students in all Colleges and Academies within this State, all Schoolmasters engaged for at least three months, all Post-riders, the actual attendant of every Grist Mill, and all Firemen belonging to companies now established or which hereafter may be established by law within this State; and also all persons actually employed as Overseers, Manufacturers and Labourers at any Furnace, Forge or Bloomery for making Iron, all such persons so employed at any Furnace for making Iron Castings, all such persons so employed at any Glass-house for making Glass during the time they are so actually employed, notwithstanding their being above eighteen and under forty five years of age.

Certain descriptions of characters exempted from militia duty.

And be it further enacted, That all persons being of the people called Quakers, who would otherwise be subject to Military duty by virtue of this act, and who shall refuse personal Military service, shall be exempted therefrom on paying annually the sum of twenty four shillings each for such exemption, such sum to be assessed on each of them respectively by the assessors, and collected by the collectors of the districts wherein they respectively reside, with the contingent charges of the county, and paid to the county Treasurer, who shall pay the same into the treasury of this State, to be applied towards the support of the Government, and it is hereby made the duty of every Captain of Infantry, within three months after he shall have received his commission, and yearly and every year thereafter, on the first Tuesday in May in every year, to make a list of the names of all and every person and persons within his beat, who being of the people called Quakers, shall neglect or refuse personally to perform Military service, and deliver such list in the City of New-York to the Clerk of the said City, and in each of the other counties of this State, to the Supervisors of the town where such person or persons so neglecting or refusing to perform Military service shall respectively reside; and the Clerk of the said City of New-York shall forthwith, after receiving such lists, deliver the same to the Mayor, Aldermen and Commonalty of the said City, in Common Council convened, and the Mayor, Recorder and Aldermen of the City of New-York, or any three of them in the said City, and the Supervisors, or a major part of them, of each of the other counties of this State respectively, shall at their first meeting after the delivery of such lists, cause tax lists to be made out according to such lists so delivered, with warrants thereon under their hands and seals, directed to the Collector of the ward or town in which such persons named in such lists, respectively reside, for levying the sum of twenty four shillings of the goods and chattels of each of the persons named in the same lists, and the said Collectors are hereby respectively authorized and required to demand and receive of each of the persons named in such tax list, the said sum of twenty four shillings, and in default of payment, such Collector shall levy the said sum of twenty four shillings by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same, and in case any person named in such tax list shall be under age and live with his father or mother, shall be then an apprentice or servant, the master or mistress, or father or mother (as the case may be) shall be liable to pay the said sum of twenty four shillings for such person so under age, and in default of payment, the Collector shall levy the same by distress and the sale of the goods and chattels of such father or mother, master or mistress; and the said respective Col-

Quakers exempted from militia duty, on paying 24s per annum, and such sum how to be assessed, collected, and appropriated.

Every Captain of infantry annually to make a list of all Quakers in his beat who refuse to bear arms.

And to deliver the same to the Supervisors of the towns.

Who shall at their first county meetings thereafter cause tax lists to be made out from the lists so delivered to them, and directed to the collectors, for collecting 24s. from each Quaker on such list, and such sum how to be levied, collected, and paid.

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Fees to county Treasurer and Collectors, for receiving and collecting the same.

Recital to the following clause.

* Regimental parades in certain counties to be directed by the Major Generals.

Major Generals, Brigadiers, and officers commanding regiments, in case of invasion, may order out the militia under their command, &c.

And also in cases of insurrection, commanding officers of regiments shall immediately assemble their regiments, and with the advice of certain persons shall take measures to suppress such insurrection.

Any person wounded in opposing an invasion or insurrection, to be provided for by the public.

Proviso.

Fine to be imposed on every non-commissioned officer and private, for refusing to obey their officers while under arms, and for non payment of such fine to be committed to gaol by a warrant from his commanding officer.

And the sheriffs of the several counties directed to receive and keep such offenders in custody.

Proviso.

Military uniform of this State described.

Militia of certain counties may be uniformed in rifle frocks.

All commissioned officers appointed, to report their acceptance.

Certain persons exempted from military duty.

lectors shall respectively pay the said monies to the city or county Treasurer, deducting their fees for collecting, on or before the first Monday in January in every year, and the county Treasurers shall respectively pay the same to the Treasurer of this State, deducting his fees for receiving the same, on or before the first Monday in March in every year; and the collectors and county treasurers shall have the like fees for collecting and receiving the said monies, as they are respectively entitled to, for collecting and receiving the monies raised for defraying the necessary and contingent charges of the said city or counties.

And whereas from the dispersed situation of the inhabitants residing within the counties of Otsego, Tioga, Herkemer, Ontario and Clinton, they would be subject to great expence and difficulty, if they were obliged to attend regimental parades. Therefore

Be it further enacted, That it shall and may be lawful for the militia of the said counties of Otsego, Tioga, Herkemer, Ontario and Clinton, to rendezvous by regiments or battalions as the Major General or commanding officer of the division may direct.

And be it further enacted, That it shall and may be lawful to and for any Major General of a division, or commanding officer of a brigade, or commanding officer of a regiment, when and as often as any invasion may happen, to order out the militia or any part thereof under their respective commands, for the defence of this State, giving notice of such invasion and every circumstance attending the same; as early as possible to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief of this State. And that in cases of insurrections, the commanding officer of the regiment within the limits of which any such insurrection may happen, shall immediately assemble his regiment under arms, and having transmitted information thereof to the commanding officer of the brigade, and to the commander in chief of this State, shall proceed to take such measures to suppress such insurrection, as to any three of the judges or justices of the county in which such insurrection shall happen, shall appear most proper and effectual. And if any person be wounded or disabled while in actual service of this State, in opposing any invasion or insurrection, or in suppressing the same, he shall be taken care of and provided for at the expence of this State.

Provided always, That if such Judges or Justices shall deem a greater number of Militia requisite to quell such insurrection, they shall and are hereby required to apply for the same to the commanding officer of the division, or any brigade thereof, who are hereby severally required to obey such requisition.

And be it further enacted, That every non-commissioned officer and private who shall neglect or refuse to obey the orders of his superior officer while under arms, shall forfeit twenty shillings for every such offence, and if any such non-commissioned officer or private, enrolled to serve in either of the companies mentioned in this act, shall refuse or neglect to perform such military duty or exercise as he shall be required to perform, or shall depart from his colours or guard without the permission of his superior officer as aforesaid, he shall forfeit the sum of twenty shillings, and for the non payment thereof the offender shall be committed to Gaol by warrant from the Captain or Commanding officer of the troop or company then present, to which such offender doth belong, there to be confined until the fines as aforesaid, together with the Gaolers fees are paid; and the respective Sheriffs of the respective cities and counties of the State are hereby empowered and required to receive the body or bodies of any offender or offenders, as shall be brought to them, by virtue of a warrant or warrants under the hand and seal of any officer, by virtue of this act, and him or them to keep in safe custody, until such fines as are mentioned in such warrant, together with the Gaolers fees as aforesaid shall be paid, or until the said offender or offenders shall be discharged by due course of law, and the Sheriffs and Gaolers respectively, shall be allowed the same fees as are allowed in other cases.

Provided, That in case of a military guard, where a Captain doth not command in person, a warrant granted by an inferior officer, who shall have the command of such guard, shall be of the same authority against all offenders as if such warrant had been issued by such Captain.

And be it further enacted, That from and after the first day of January next, the military uniform of this State shall be as follows, that is to say: General officers, dark blue coats with buff facings, linings, collars and cuffs, and yellow buttons with buff under cloaths; regimental and staff officers, dark blue coats with white linings, scarlet facings, collars and cuffs, and yellow buttons with white under cloaths; non-commissioned officers and privates of the grenadier and light infantry companies, dark blue coats with white linings, scarlet facings, collars and cuffs, yellow buttons and white under cloaths.

And be it further enacted, That it shall and may be lawful to and for the Major General or commanding officer of any division respectively, in the counties of Montgomery, Otsego, Tioga, Herkemer, Ontario and Clinton, if he shall deem it expedient, to direct the light infantry and riflemen of such division, to uniform themselves in rifle frocks and overalls.

And be it further enacted, That every commissioned officer, who shall from time to time be appointed, shall report his acceptance of the office within ten days after having received notice thereof, to such officer or officers as the commander in chief shall from time to time direct.

And be it further enacted, That all persons who have heretofore been commissioned officers in the line of the army of the United States, and all officers who have served in the

militia or levies of this State, or in the militia or levies of any of the United States, or in the militia or levies of the late colony of New-York, shall be and hereby are exempted from serving in the militia of this State, any thing in this act to the contrary notwithstanding.

Provided nevertheless, That if any such officer shall be commissioned in the militia, to a rank equal to that which he held in the said army, militia or levies, and shall refuse to accept such commission, such officer so refusing without giving satisfactory reasons to the Council of Appointment for such refusal, shall be liable to serve in the militia.

And provided also, That this exception shall not extend to any such persons being officers, who have gone over to and joined the enemy in the late war.

Provided also, That no commissioned officer shall resign his commission, without first making application to the Major General or commanding officer of the division to which he belongs, and stating his reasons in writing for the same, which resignation and reasons, shall be transmitted by the said commanding officer, to the commander in chief of the militia of this State, together with his opinion thereon, and in case any officer sends in his resignation to the commander in chief, and the same be accepted by the Council of Appointment, without having pursued the mode herein prescribed, such officer shall be liable to do duty in the militia as a private.

And be it further enacted, That the officers of the militia, under the existing militia laws of this State, shall be, and hereby are continued in their respective offices under this act, until the person administering the government of this State for the time being, and Council of Appointment shall otherwise determine.

And be it further enacted, That from and after the seventh day of October next, the act entitled, "An act to regulate the Militia," passed the fourth day of April, one thousand seven hundred and eighty six, and the act entitled, "An act to amend an act, entitled, "An act to regulate the Militia," passed the eighteenth day of April, one thousand seven hundred and eighty seven, and the thirty first section of an act, entitled, "An act directing the settlement of public accounts, and for other purposes therein mentioned," passed the twenty second day of March, one thousand seven hundred and eighty eight, be and hereby are repealed.

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Proviso.

Further proviso.

Further proviso.

Militia officers under the former laws, to continue in their offices until otherwise directed by the Council of Appointment.

All former militia laws after a certain day, declared to be repealed.

C H A P. XLVI.

An ACT concerning the Settlement of Lands, and for prolonging the time for payment of Quit Rents.
Passed 9th March, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the Secretary of this State for the time being, shall, and he is hereby enjoined, as soon as conveniently may be, after the first day of January, one thousand eight hundred and one, to make out an abstract of all lands granted by letters patent, under the great seal of this State, which contain a condition of actual settlement, specifying the time limited in and by such letters patent for such actual settlement, and shall deliver such abstract to the Surveyor General for the time being, who shall, and he is hereby enjoined without delay, after the day above mentioned, to make enquiry, and if he shall find, that any of such lands granted on the condition aforesaid, shall not then be so actually settled, he shall give notice thereof to the Attorney General of this State for the time being, who shall without delay, cause a writ to be issued out of the court of Chancery, and directed to the Sheriff of the county in which the same land shall be situated, in the form following: The People of the State of New-York, to the Sheriff of

Greeting: Whereas by our letters patent, under our great seal, bearing date (reciting the same letters patent) and because we are informed that such settlement (or settlements as the case may be) as the law requires, hath not (or have not as the case may be) been made thereon, by reason whereof the same lands ought to revert to us: Therefore we command you, that by the oath of twelve good and lawful men of your bailiwick, you diligently inquire whether such settlement (or settlements as the case may be) hath (or have as the case may be) been made on the said lands, or on any and what part thereof as the law requires, and the inquisition which you shall take thereof, do you send under your seal, and the seals of those by whose oath you take the same inquisition, before us in our court of Chancery without delay, wheresoever the said court shall then be, together with this writ: And the Sheriff shall upon receiving such writ affix a copy thereof upon the front door of the Court-house or place where the courts of common pleas and sessions of the peace in his county were then last held, with a notice of the time when and place where the same writ is to be executed, which time shall not be less than sixty days from the time of fixing the same notice in the manner aforesaid, and upon the return of the same writ, any person aggrieved by the inquisition thereupon taken, may traverse the same; and when any issue shall be joined thereupon, the record thereof shall be sent into the Supreme court of judicature of this State there to be tried and determined according to law; and if judgement shall be given thereupon for the people of this State, then a writ shall be issued out of the same supreme court to the Sheriff of the same county, commanding him to seize and take the lands found to be so unsettled, into the hands of the people of this State; but if no such traverse shall be taken to such inquisition, within three terms after the return of

Secretary of the State immediately after the 1st of January, 1801, to make an abstract of all patents for lands granted by the State which contain a condition of settlement.

And to deliver such abstract to the Surveyor General, who is to make inquiry if such conditions have been fulfilled and such as have not he is to report to the Attorney General, who shall cause a writ to be issued out of the Court of Chancery, directed to the Sheriff in the form herein mentioned; which writ directs a certain inquisition to be had.

The Sheriff, on receipt of such writ, to affix a copy thereof on the court-house, together with the time when the writ is to be executed.

And on the return of such writ, any person aggrieved thereby may traverse the same in Supreme Court.

If judgment be given for the people, the Sheriff to seize the lands unsettled.

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If no transfer is made, then a writ to issue to the Sheriff.

On return of said writ, Attorney General to cause the same to be deposited in the Secretary's office.

Time heretofore limited for payment and commutation of quit-rent.

Surveyor General to enquire whether conditions of settlement have been fulfilled.

If no such conditions have been fulfilled, he shall report the same to the Attorney General, who is to proceed thereon in the same manner as in the case of lands granted by the State.

Proviso.

the same inquisition, then such writ shall immediately thereafter be issued out of the court of Chancery, commanding the Sheriff to take and seize the lands found by the inquisition to be so unsettled, into the hands of the people of this State, and upon the return of such writ of seizure, the Attorney General shall cause the record and process to be exemplified under the seal of the court out of which the same writs of seizure issued, and deposit such exemplification in the office of the Secretary of this State; and all such lands so found to be unsettled shall be thereafter disposed of and appropriated in such manner and for such purposes as the Legislature shall direct.

And be it further enacted by the authority aforesaid, That the time limited for the payment of quit-rent and commuting therefor, passed the twenty fourth day of March, one thousand seven hundred and ninety one, be and is hereby prolonged until the first day of May one thousand seven hundred and ninety six, on the terms and conditions mentioned in the said act,

And be it further enacted by the authority aforesaid, That the Surveyor General of this State for the time being, shall and he is hereby enjoined, as soon as may be after the first day of January one thousand seven hundred and ninety eight, to make enquiry if any lands within this State which were granted while this State was the colony of New-York, by letters patent under the great seal of the said colony, and which amongst other stipulations, if any, were granted on condition that actual settlements and improvements should be made on the lands so granted within the time specified and limited by such letters patent; and if the said Surveyor General shall discover that lands granted under the condition aforesaid have not been so settled and improved before the day above mentioned, then, and in every such case, he shall make report thereof to the Attorney General of this State for the time being, who shall then as soon as may be, proceed for the recovery thereof to the people of this State, in like manner as is mentioned and directed in the first enacting clause of this act with respect to lands granted under the Great Seal of this State.

Provided always, That nothing in the last preceding section mentioned shall extend to any lands for which the quit-rent and commutation for quit-rents shall have been paid, or may hereafter be paid in conformity to law.

CHAP. XLVII.

An ACT to encourage certain Cotton, Linen, and Glass Manufactories within this State.

Passed 9th March, 1793.

Preamble,

WHEREAS cotton, linen, and glass manufactories have been established within this State:

And whereas it is proper to encourage the same by a loan of money to the proprietors thereof: Therefore

Treasurer directed to pay to Andrew Stockholm and David Dickson £. 3000.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Treasurer of this State be, and he is hereby authorized and directed, out of any unappropriated monies that may be in the treasury after the first day of July next to advance on loan to Andrew Stockholm and David Dickson a sum not exceeding three thousand pounds.

Said Stockholm and Dickson to give security for repaying said sum in eight years,

Provided, That the said Andrew Stockholm and David Dickson shall at the same time enter into bond to the said Treasurer, conditioned for the faithful payment of such sum as shall be loaned to them by virtue of this act, in eight years from the date of the said obligation, together with interest for the same at the rate of five per cent per annum, to commence at the expiration of three years after the date of the said obligation, and thereafter to be paid annually; and that the said Andrew Stockholm and David Dickson shall also duly execute to the said Treasurer, a good and sufficient mortgage upon such unincumbered real estate as the said Treasurer, together with the Attorney General, the Auditor and Surveyor General, or together with any two of them, shall think sufficient for securing the said money, with the interest on the same as aforesaid; which said mortgage the Treasurer is hereby directed to get duly recorded, and to hold the same for the use of the people of the State. And that the Treasurer in like manner, on like terms and conditions, and on like security, out of such monies in the treasury as aforesaid, pay unto James Caldwell and Robert M'Clallen the sum of three thousand pounds.

Treasurer to pay James Caldwell & Robert M'Clallen 3000 l. like security.

CHAP. XLVIII.

An ACT supplementary to, and to amend an Act, entitled, "An Act for surveying and establishing certain Lines, and dividing certain Lots in the Hardenburgh Patent," passed the twenty-ninth March, one thousand seven hundred and ninety.

Passed 9th March, 1793.

Preamble,

WHEREAS by the act for surveying and establishing certain lines, and dividing certain lots in the Hardenburgh Patent, passed the twenty-ninth of March, one thousand seven hundred and ninety, Christopher Tappen and James Cockburn were appointed commissioners to carry into effect certain purposes therein mentioned:

And whereas the said Christopher Tappen hath set forth by his petition, that the said James Cockburn hath died previous to the completion of the duties enjoined on the said Commissioners by the fourth section of the said act, whereby several lots of land that were advertised for sale remain unsold; and several lots sold for which no deeds of conveyance have been executed by the said Commissioners; for remedy whereof,

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said Christopher Tappen be, and he hereby is authorized and empowered to make and execute deeds of conveyance for such lots as may have been sold, and to dispose of, make and execute deeds of conveyance for such lots as remained unsold by the said Commissioners, agreeably to the direction contained in the said fourth section; which sales and conveyances shall be as effectual and binding on the parties as if they had been made by the said Commissioners in the life-time of the said James Cockburn, any act to the contrary notwithstanding.

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Reciting, that by the death of Cockburn, several of the lots cannot now be sold.

Said Christopher Tappen authorized to sell the same, &c.

CHAP. XLIX.

An ACT further to amend the Law relative to Lock Navigation within this State.

Passed 9th March, 1793.

WHEREAS petitions have been presented to the Legislature, praying for sundry amendments to the act entitled, "An act to amend an act, entitled "An act for establishing and opening Lock Navigations within this State."

And whereas the President of the board of directors of the Western and Northern Inland Lock Navigation Companies in their behalf, has signified to the Legislature, that in his opinion the alterations herein after specified, may be made without materially injuring the important object for which the said companies were instituted. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the President and directors of the said companies, shall not take and occupy a greater extent of land on each side of any canal, dike or other work, incident to the object for which they were incorporated, than twenty feet beyond such work, except where any lock shall be placed, in which case they may take and occupy to the distance of one hundred feet from the side of such lock, for the whole length of such lock, and for the distance of one hundred feet above and below such lock, if in their discretion they shall deem that extent requisite; and also except where a bridge is to be placed over any canal, in which case they may take and occupy one hundred feet from such canal, and for a space as wide as such bridge, if in their discretion they shall deem such extent requisite.

And be it further enacted, That in all cases where it shall be requisite to appropriate any lands on which there may be any house or houses or other buildings, or to appropriate any lands which shall reach to, or approach to or within fifty feet of any house or other building, which shall then be erected on a part of the land so to be appropriated by the said company, the President or an agent of such company shall give thirty days notice to the owner or owners, occupant or occupants thereof, before the President and directors of such company, or any or either of their agents, shall take, use or occupy such land; any thing in this or any other law to the contrary notwithstanding.

And be it further enacted, That in every dam that shall be constructed in the river Hudson by the said company, an aperture shall be so constructed as that not only rafts may descend with facility and safety, but that fish may ascend the river there-through or thereon; and that no toll shall be taken for the passage of such rafts, nor any contrivance for taking fish by nets or otherwise, shall be placed at such aperture, by the said President and Directors, or by any other person whomsoever, to impede or take fish at such aperture, or within five hundred yards above or below such aperture.

Provided always, That it shall be optional with the President and directors of the said company, to permit the passage of rafts or not as they shall deem proper, through any canal, lock or other work to be erected or made, in or by the river Hudson as aforesaid, other than through or over any dam in the said river; and if such permission shall be granted, the party giving and the party requiring the same, shall agree upon the quantum of toll for such raft, without any regard to the limitation of toll stipulated in the original act, by which the said company was incorporated.

Preamble

Corporation not to take more than twenty feet on each side of any canal.

Except in certain cases, where they may take one hundred feet.

Companies to give thirty days notice to the proprietors, before they shall occupy the land on which there are buildings.

Apertures to be constructed in all dams erected across the river Hudson, so as to admit rafts to descend, and fish to ascend. No toll to be taken from such rafts, nor nets for taking fish, to be placed at or near such apertures.

Proviso.
Optional with the company to permit or not the passage of rafts through any canal.

CHAP. L.

An ACT concerning Conveyances by British Subjects.

Passed March 9th, 1793.

WHEREAS great difficulties have arisen in proving deeds of conveyance and powers of attorney, for the sale or disposition of lands lying within this State, made by British subjects, actually residing within the kingdom of Great Britain, to citizens of this State: For remedy whereof

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all acknowledgments and proofs of such deeds and conveyances to a citizen of this State, of any lands, tenements or hereditaments, situate in this State, or any power of attorney, relating to the sale or dispo-

Preamble.

All deeds and powers of attorney executed by British subjects to citizens of this State, duly proved in London, to be valid.

A. D. 1793.
Ind. U. S. XVII.

stitution of the same, taken or made, or hereafter to be taken or made before the Mayor of the city of London, for the time being, and duly certified under the seal of the office of Mayoralty of the said city of London, shall be of the like validity and force, as if the same was taken or made before a Judge of the Supreme Court of this State.

C H A P. LI.

An ACT relative to the Lands appropriated by this State, to the use of the Oneida, Onondaga and Cayuga Indians.

Passed the 11th March, 1793.

Agents appointed to purchase from certain Indian tribes all or any of the lands reserved to their use by this State.

First yearly stipend, when to be paid.

The lands to be surveyed at the expense of this State.

Time and place to be appointed for the Indians to receive their annuity.

Attorney General and others may hold as trustees for said Indians any lands they may think fit to retain for their own use.

Treasurer to pay 3500 dollars to the order of said agents, for paying the first annuity, &c.

If any balance remains, to account with the auditor for the same.

None of said lands to be located by any person, sold or granted, until further provision is made by law.

Any two of said agents to be a quorum, and retain 20 s. per day for their services.

Agents may agree with the Indians for making roads through any lands retained by said Indians.

Agents to make report of their proceedings to the Governor.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Israel Chapin, John Cantine and Simeon De Witt, shall be, and they are hereby appointed agents on the part of the people of this State, for the purposes herein after mentioned, that is to say; to convene the Indians of the Oneida, Onondaga and Cayuga Nations, severally, and at their usual place of residence, and being so convened, to propose to the said Nations severally, that they should quit claim to the people of the State, so much of the rights reserved to them, in the lands appropriated to their use by this State, as they may think proper to dispose of, and that for every square mile of the lands to which the rights so by them to be quit-claimed, the people of the State shall pay the said Indians an annuity not exceeding the sum of five dollars in perpetuity, the first payment whereof shall be made on the execution of such quit-claim by the said Indians, that the lands to which the rights shall be so quit-claimed, shall be surveyed at the expence of the people of this State, in the presence of such Indians as chuse to attend, and of such persons as they may appoint to attend and inspect such survey. That the said agents shall propose to the said Indian Nations severally to appoint a time and place when and where the said annuity, and that which they are already severally entitled to shall hereafter be paid. That the said agents shall propose to the said Indian Nations severally, that the Attorney General of this State for the time being, and the Clerk and Treasurer for the time being, of the county in which any of the lands the rights to which the said Indians may chuse to retain shall be situated, and the successors in office of the said officers shall be vested with the property, the rights whereof the said Indians shall chuse to retain, as trustees for the said Indians, to prevent any encroachments on the said rights and property, and to bring suits for trespasses thereon, and to prosecute the same to effect for the benefit of the said Indians; and in case the said Indian Nations, or either of them, shall agree to such proposal, and shall convey the rights so to be retained for the use of the said Indians to the said officers, and their successors, then and from thenceforth the said officers shall be vested with the said property, in the manner and for the purposes aforesaid.

And be it further enacted by the authority aforesaid, That the Treasurer of this State for the time being, shall pay unto the said agents, or unto the order of any two of them, a sum not exceeding three thousand five hundred dollars, out of any monies in the Treasury not otherwise appropriated, out of which sum, the said agents shall pay the first annuities in manner herein before mentioned, and also such reasonable charges incident to the due execution of the trust reposed in them by this act as shall accrue, and having made such payments, shall account with the Auditor of this State for the time being, and repay the balance if any into the Treasury.

Provided always, And be it further enacted, That if the said commissioners shall purchase or obtain a grant of the said Indians, for the said reservations, for and in behalf of the people of this State, it shall not be lawful for any person or persons whosoever, to make any locations on the said reservations, or for the commissioners of the land office to sell or grant the same in any manner whatsoever, without further provision by law, any thing in any law to the contrary thereof in any wise notwithstanding.

And be it further enacted by the authority aforesaid. That any two of the said agents shall be a quorum to discharge any of the duties required of them by this act, and that it shall and may be lawful for the said agents, to retain out of the monies intrusted them, for their services and expences, the sum of twenty shillings per day, for each day they shall severally be actually employed in the service committed to them.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said agents, and they are hereby directed to make such agreements and stipulations with the said Indian Nations severally as they may think necessary, for making such public roads through such parts of the lands, the rights whereof are to be by them retained as aforesaid, as may be necessary and proper.

And be it further enacted by the authority aforesaid, That as soon as the said agents shall have performed what by this act is enjoined on them, they shall make a written report of all their proceeding in the premises, to the person administering the government of this State for the time being, to be by him laid before the Legislature at their next meeting, after such report shall have been made.

C H A P. LII.

An ACT for the payment of certain State Agents Certificates.

Passed the 11th March, 1793.

A. D. 1793.
Ind. U. §. XVII.

WHEREAS by the first section of the act, entitled, "An act to authorize the Treasurer of this State to pay to sundry persons the several sums of money therein mentioned, passed the sixth day of April, one thousand seven hundred and ninety two," it is enacted that all persons holding Certificates issued by Udney Hay, State Agent, and countersigned by any one of his Assistants, for supplies furnished or services performed, in pursuance of an act, entitled, "An act to procure supplies for the use of the army, and to prevent a monopoly of Cattle within this State, and more effectually to prevent supplies of Cattle to the enemy," passed June the twenty fourth, one thousand seven hundred and eighty, shall, on or before the first Day of December next, present the same to the Auditor for this State, who is hereby required to examine the evidence in support of the same, and in such cases where the persons producing the Certificates shall offer evidence to the satisfaction of the Auditor, that the supplies were furnished, or the services performed for which the Certificates were issued, he shall report the same, and deliver in the vouchers accompanying such Certificates to the Legislature at their next meeting.

Preamble.

And whereas sundry such Certificates as aforesaid have been presented to the Auditor before the first day of December last, and several others of the like kind have been presented to the Legislature since that time, and referred to the Auditor, which he hath reported on in favour of the claimants, as a just debt due from this State. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Auditor for this State shall without delay, deposit with the Treasurer of this State, a just and true schedule or accounts of all such State Agents Certificates as have been by him examined, approved of, and reported to the Legislature at this present session, and the Treasurer of this State is hereby authorized and required to pay out of any monies in the treasury, not otherwise appropriated, unto the holders or bearers of such Certificates mentioned in such schedule respectively, such sum or sums of money, with interest to the first day of May, one thousand, seven hundred and eighty seven, as shall appear to be due thereon, in discharge of the same; and the said Treasurer is hereby also directed to take a receipt from every person or persons to whom he shall make such payments as aforesaid.

Auditor to deposit with the Treasurer a schedule of certificates.

Treasurer to pay the amount thereof to the holders of the certificates.

C H A P. LIII.

An ACT to amend an act, entitled, "An act for Laying Out, Repairing and Improving certain Public Roads and Highways within this State." Passed the 11th March, 1793.

WHEREAS Philip Van Cortlandt, Ebenezer Stevens and Ebenezer Purdy, Commissioners for laying out and improving the highway in the county of Westchester, have set forth by petition, that they have explored the post road from Kingsbridge to the North line of the aforesaid county, and find it impracticable to carry into effect the objects of the aforesaid law, unless the route of the said road as it now runs, nearly in its whole extent, be changed, by which alteration material injury will be done to individuals by passing through their improved lands, and thereby expose them to considerable expence and injury.

Preamble.

And whereas they further set forth, that essential benefits would result to the community from the alteration of the said post road as aforesaid. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Commissioners in discharge of the trust reposed in them by the said act, so to alter and change the direction of the present post road leading from Kingsbridge through the Manor of Philipsburgh to the county of Dutchess, as they in their discretion shall deem best calculated to promote the interest and conveniences of the community, and that in every case where the road so to be by them laid out, shall take a direction deviating from the present post road, they shall, out of the public monies entrusted to them, pay the damages which any person or persons shall sustain by any such deviation, to be ascertained in the manner directed by the act, entitled, "An act for the better laying out and keeping in repair the public highways and private roads in the county of Westchester, passed the 24th of February, 1792," or by agreement with the proprietor or possessor.

Commissioners may alter the direction of the present post road.

And pay all damages which any person may sustain thereby.

Provided always, That where such deviation shall be carried over the property or possession of any person through which the present post road now leads, and that it shall not be necessary to continue the same as a public highway, the value of the land occupied thereby shall be ascertained by the same persons authorized to value the damages occasioned by such deviation, and be set off against the said damages.

Proviso.

Provided also, And be it further enacted, That in case the said Commissioners shall expend in erecting the said bridges and repairing the said road, any larger sum of money than is allowed for that purpose by this act, such excess shall be raised, levied and collected in the county of Westchester as the other contingent charges of the said county are levied and collected.

Further proviso.

A. D. 1793.
Ind. U. S. XVII.

Bridge to be built
across Croton river,

Monies to be appro-
priated on the roads on
Long Island & Staten
Island.

Boards of Commis-
sioners to be appointed
in certain counties,

Treasurer to pay to
the Commissioners the
sums of money herein
mentioned.

Allowance to the
Commissioners.

Commissioners to
account with State Au-
ditor, &c.

Particular roads to
be repaired,

Recital to the fol-
lowing clause,

Commissioners to
improve certain post
roads.

Recital to the fol-
lowing clause,

A road to be opened
from Smith's Clove to
the public road.

And be it further enacted by the authority aforesaid, And it is hereby enjoined on the said Commissioners for the county of Westchester, to proceed without delay to erect and complete the bridge contemplated by the act hereby intended to be built across Croton river, and to consider the same as the first object, and they are hereby also enjoined to retain a sufficient sum in their hands for the said purpose.

And whereas the Legislature have thought proper to direct a certain specific sum of the monies granted at the last session, for repairing and improving the roads and highways in the Southern district, to be appropriated on the said roads on Long Island and Staten Island. Therefore

Be it enacted by the authority aforesaid, That the Supervisors for Suffolk county for the time being, be and they are hereby authorized to appoint a board of Commissioners, not exceeding three, for the said county; and that Abraham Ditmars, Timothy Cornwall and John W. Seaman, shall be, and they are hereby appointed a board of Commissioners for Queens county, and that Aquilla Giles, Peter Vandervoort and Jacob Sharpe, Junior, shall be, and hereby are appointed a board of Commissioners for Kings county; and that Simon Swaine, Lewis Ryerfe and John Beedle be, and hereby are appointed a board of Commissioners for Richmond county, for the purpose of erecting and constructing the bridges, and improving such roads or highways in the said counties respectively, as is directed in and by the act hereby amended, except that the Commissioners hereby appointed shall not be obliged to improve the said roads with beds of stone covered with gravel, as directed by the said act, but in such manner as to them, or a majority of them respectively shall appear best calculated to promote the public good.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Treasurer of this State, to pay unto the said boards of Commissioners respectively, on the warrant of his Excellency the Governor, or person administering the Government of this State for the time being, the following sums of money, that is to say, to the Commissioners for Suffolk county, the sum of two hundred and twenty pounds; to the Commissioners for Queens county, the sum of one hundred and seventy five pounds; to the Commissioners for Kings county, the sum of one hundred and seventy five pounds; and to the Commissioners for Richmond county, the sum of eighty pounds, out of the monies directed to be paid to the Commissioners for the Southern district, in and by the said act; and that each of the said Commissioners herein appointed, shall be entitled to receive for each day they shall be respectively employed in discharge of the trusts committed to them for their services and expences, the like compensation, and to be raised and paid in like manner as is directed to be paid to the Commissioners appointed in and by the said hereby amended act, and the said Commissioners shall respectively account with the Auditor for this State for the monies they shall receive from the Treasurer by virtue of this act, and further, that the Commissioners appointed in the Southern district in and by the last act aforesaid, are hereby discharged from the duties enjoined on them, so far forth as relates to the roads and bridges in the counties of Suffolk, Queens, Kings and Richmond.

Provided always, and be it further enacted by the authority aforesaid, That the money herein before directed to be paid to the said Commissioners for Kings county shall be by them applied to amending and repairing the public road leading from Brooklyn Ferry to Furman's Tavern, on the said road; and the money to be paid to the Commissioners for Queens county shall be by them applied to amending and repairing the public road leading from the said Furman's Tavern to Jamaica, and from thence to and through the middle of the Great Plains; any thing in this act or the said recited act to the contrary notwithstanding.

And whereas the Commissioners appointed by the act hereby amended for erecting and constructing the bridges and improving the roads or highways therein specified in the middle district, are directed to lay out and improve the post road from the south bounds of the county of Dutchess, as far north as the south bounds of the town of Fish-Kill: And whereas a small part of the post road adjoining the bounds last aforesaid equally requires improvement: Therefore

Be it further enacted by the authority aforesaid, That the Commissioners in the said act named for the middle district, or a majority of them, shall lay out and improve the post road from the south bounds of the town of Fish-Kill aforesaid, as far north as to the mouth of the high lands, being a small distance south of the dwelling-house of Isaac Van Wyck, in Fish-Kill aforesaid,

And whereas the Commissioners appointed by the said act for the middle district are authorized and empowered to improve and repair a certain public road or highway mentioned in the act aforesaid, leading from the house of Henry Reynolds, in Smith's Clove, along, by, or near the dwelling-house of Archibald Cunningham, in the said Clove, in the county of Orange, to the dwelling-house of Thomas Cooper, at the Indian Fields; which road appears to the Legislature not so advantageous for public use as some other direction might be from said Smith's Clove to the Indian Fields aforesaid: Therefore

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners of the middle district, or any two of them, in the discharge of the trust reposed in them by the said act, so to open, improve and repair the said road or highway, beginning at the dwelling-house of Henry Mapes, in Smith's Clove, and leading

in such direction from the house of the said Henry Mapes to the public road leading from New Windsor, along by the dwelling-house of the said Thomas Cooper, as the said Commissioners, or the major part of them, shall judge most for the benefit of the public; any thing in the act above mentioned to the contrary notwithstanding.

A. D. 1793.
Ind. U. S. XVII.

And whereas the inhabitants of the towns of Kingston, Hurley, Marbletown, Rochester, Newpaltz, and Shawengunk, have erected a bridge across the Rosendall Kill or river in the town of Hurley, in the county of Ulster. And whereas it is represented to the Legislature, a further sum of money will be requisite to complete the said bridge. Therefore

Reciting that a bridge is erected across the Rosendall, in the town of Hurley, which is not yet completed.

Be it further enacted by the authority aforesaid, That it shall be and it is hereby made the duty of the said Commissioners for the middle district, or a majority of them, to complete the said bridge in like manner and out of the monies by which they are by law directed to erect the bridges therein specified.

Commissioners of the middle district to complete the said bridge.

And be it further enacted by the authority aforesaid, That it shall be, and it is hereby made the duty of the said Commissioners for the middle district, or a majority of them, to appropriate one hundred pounds towards improving the road which leads from the town of Kingston in the county of Ulster, to Schoharie Kill in the said county, out of the money which is appropriated by law to make and repair roads and bridges in the said middle district.

£. 100 to be appropriated to improve the roads.

And whereas William North, Silas Talbot and Theodorus Van Wyck Graham, or any two of them, are by the act hereby amended, appointed a board of Commissioners for the purpose of erecting and constructing bridges and improving roads or highways, in the said act specified, in the Western district of this State, and are directed to build and erect a bridge over the Owego creek, near the Mill belonging to James M'Master in the town of Union and county of Tioga.

William North and others are appointed Commissioners to repair roads, and to build a bridge across the Owego creek.

And whereas the said Commissioners reside at so great a distance from the place of building the said bridge as to render the expense of their attending a great burthen on the county of Tioga: Therefore

Reciting that the said Commissioners reside too far from the Owego to attend the same.

Be it further enacted by the authority aforesaid, That James M'Master, David Piexly, and Joshua Whitney, be and they are hereby appointed Commissioners to erect and build a bridge over the Owego creek, near the mill belonging to James M'Master, in the town of Union, in the county of Tioga, and that the said William North, Silas Talbot, and Theodorus Van Wyck Graham, be and they hereby are discharged from building the said bridge; any thing in the act hereby amended to the contrary notwithstanding.

James M'Masters & others appointed to build said bridge.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said William North, Silas Talbot, and Theodorus Van Wyck Graham, and they are hereby required to pay to the said James M'Master, David Piexley, and Joshua Whitney, the sum of three hundred pounds, out of the sum of nine thousand four hundred and fifty pounds, directed by the act hereby amended to be paid to the Commissioners of the Western district, for the purpose of erecting the said bridge.

Commissioners first appointed to pay 300 l. to those last appointed, for the purpose of building said bridge.

And be it further enacted by the authority aforesaid, That each of the Commissioners aforesaid shall be entitled to receive for their services the sum of eight shillings every day they shall be respectively employed in the said business, to be paid by the county of Tioga aforesaid, and to be levied and paid together with and in the same manner as the necessary and contingent charges of such county are raised, levied, and paid, and that the said Commissioners shall account with the Auditor for this State, for the monies they shall respectively receive from the said Commissioners by virtue of this act.

Allowance to commissioners for their services in building said bridge, &c.

And be it further enacted by the authority aforesaid, That the several Commissioners appointed to repair and improve certain public roads and highways in and by the act hereby amended, may if they shall think necessary, dispense with building the piers with stone masonry, in every case where bridges may be erected by virtue of the said act, and to substitute any other mode of supporting any such bridges so to be erected as they or a majority of them may deem most for the public good; and in like manner the said Commissioners shall not be obliged to cover any of the said bridges with timber or plank four inches thick, but shall have full power to cover any or all the bridges which they may so erect, with timber or plank not less than three inches thick, and also in like manner the said commissioners shall not be obliged to improve the roads with beds of stone covered with gravel, as mentioned in the said act hereby amended, but they may repair the same in such manner as to them or a majority of them respectively, shall appear best calculated to promote the public good.

May at their discretion build the piers of bridges with stone or otherwise.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners appointed for the western district by the act hereby amended, instead of applying any of the monies entrusted to them, for improving the road from the ninety mile stone to the painted post, and from thence to the eastern bounds of the county of Ontario, as directed by the said act, shall lay out and appropriate the same, for erecting such bridge or bridges, over any stream or streams of water, or to open and repair any road in the said county, as they or a majority of them may in their discretion conceive to be most conducive to the public good, any thing in the said act to the contrary notwithstanding.

And may also improve the roads with beds of stone covered with gravel or otherwise.

Money heretofore directed to be expended for the Western district, to repair the road from the ninety mile-stone, &c. may be otherwise applied, in the discretion of said Commissioners.

A. D. 1793.
Ind. U. S. XVII.

C H A P. LIV.

An ACT for the relief of Hannah Van Dyne and Others. Passed the 11th March, 1793.

Preamble.

WHEREAS Hannah Van Dyne, widow of Douw Van Dyne, deceased, whose estate became forfeited to the people of this State, hath petitioned the Legislature for her right of Dower in the estate of the said Douw Van Dyne.

Hannah Van Dyne is entitled to her Dower.

And whereas it appears to the Legislature that the said Hannah Van Dyne is entitled to the sum of one hundred and eight pounds six shillings and eight pence, the amount of one third of the annual income of the estate of the said Douw Van Dyne, from the time of his death until the time of the passing of this act, and the further sum of one hundred and eighty one pounds fourteen shillings and four pence, the present value of an annuity of twenty one pounds thirteen shillings and four pence on a single life of fifty seven years (being the age of the said Hannah Van Dyne) calculated on the principles referred to in the concurrent resolutions of both houses of the Legislature of the third day of April last, amounting in the whole to the sum of two hundred and ninety pounds and one shilling. Therefore

Treasurer to pay her a certain sum, in lieu of her Dower.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Treasurer of this State shall, and he is hereby directed to pay to Hannah Van Dyne or her legal representative, which said Hannah is the widow of Douw Van Dyne, deceased, whose estate became forfeited to the people of this State, the sum of two hundred and ninety pounds and one shilling; and to Margaret Low, the widow of Isaac Low, the sum of one thousand and ninety three pounds eleven shillings and ten pence; and to Sarah Wallace, the widow of Hugh Wallace, the sum of nine hundred and thirty four pounds, nine shillings and ten pence, together with her costs of suit to be taxed; and to Eva White, the widow of Henry White, deceased, the sum of nine hundred and fifty four pounds seven shillings and four pence; and to Phila Delancey, the widow of Oliver Delancey, deceased, the sum of one thousand and thirteen pounds two shillings; and to Sarah Fowler, the widow of Solomon Fowler, deceased, the sum of three hundred and sixty three pounds six shillings and three pence, together with her costs of suit to be taxed, for their rights of dower in the lands and tenements whereof their respective husbands were seized in the Southern district of this State, and which have been sold by the Commissioners of Forfeitures for the said Southern district, upon their respectively executing and delivering to the Treasurer, a release of their dower and right of dower respectively, of and in the said lands and tenements to the people of this State, and to the persons respectively holding the same lands and tenements.

And to Margaret Low and others certain sums in lieu of their dowers, &c.

C H A P. LV.

An ACT to raise Money for Compleating the Repair of the Court-House in Albany.

Passed the 11th of March, 1793.

Preamble.

WHEREAS the Supervisors of the city and county of Albany have by a resolution, passed the fifth day of February, one thousand seven hundred and ninety three, determined that a contract be entered into by the Commissioners appointed by the act for building a Gaol and repairing the Court-House in the city and county of Albany, and the said Commissioners have by their application, represented that a further sum of one thousand pounds is necessary for the compleating the repair of the said Court-House. Therefore

Supervisors of the county authorized to raise 1000l. to complete the court-house and gaol in said county.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Supervisors of the city and county of Albany aforesaid, for the time being, shall be and they are hereby authorized and required, to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of one thousand pounds, for completing the repair of the court house in the said county, with an additional sum of nine pence in the pound for collecting the same; which said sum shall be raised levied and collected at the same time, and in like manner as the other contingent charges of the said city and county are levied and collected.

Said sum, when to be collected and paid into the county treasury, and to be paid by Treasurer to the Commissioners.

And be it further enacted, That the said sum of one thousand pounds shall be collected and paid into the treasury of the said city and county, on or before the fifteenth day of February, which will be in the year of our Lord, one thousand seven hundred and ninety four, and the Treasurer of the said city and county is hereby required and directed, out of the money aforesaid, to pay to the commissioners aforesaid or their order, the sum of one thousand pounds to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the Supervisors of the said city and county, for the money to be by them received and expended for the purpose aforesaid, when thereunto required.

Commissioners to account with Supervisors for the money.

Treasurer's allowance for receiving and paying said money.

And be it further enacted, That it shall and may be lawful for the Treasurer of the said city and county of Albany, to retain in his own hands, the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

C H A P. LVI.

An ACT concerning the Striking of Juries.

Passed the 11th of March, 1793.

A. D. 1793.
Ind. U. S. XVII.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when a jury shall be ordered to be struck for the trial of any cause in any court of record, if the clerk of such court shall be interested in the cause, or related to either of the parties, or if it shall appear probable to the court that he is not indifferent between them, then and in every such case, the court shall nominate two proper persons who are indifferent between the parties to strike the jury, which persons shall do, execute and perform every thing heretofore required to be done by such clerk, relating to the striking of such jury.

When juries are to be struck, if the Clerk of the Court shall be interested, the Court to nominate two persons to strike such jury.

C H A P. LVII.

An ACT to ascertain and settle the Limits and Boundaries between the Patent of Kayaderoffers, the Patent commonly called the Half-Moon Patent, and the Patent of Shannondhoi or Clifton Park, and to bind the the Title of the respecting Claimants.

Passed 11th March, 1793.

WHEREAS controversies subsist between the proprietors of a tract of land in the county of Saratoga, known by the name of Kayaderoffers, the proprietors of a tract of land, originally granted to Anthony Van Schaick, commonly called the Half-Moon patent, and the proprietors of a tract of land, known by the name of Shannondhoi or Clifton Park, respecting the bounds of the said respective patents.

And whereas the said controversies impede the cultivation of the country, and cannot be finally determined in the usual course of law without a number of suits, which from the circumstances of the case, would require to be tried by foreign juries, with much inconvenience to the public and heavy expenses to the parties.

And whereas the proprietors of the said patents respectively are numerous, some of them infants and others under coverture, which renders it impracticable to make any determination of the said controversy binding upon all parties interested without the aid of the Legislature.

And whereas the proprietors and agents for the proprietors of the said respective patents, did agree that they would unite in an application to the Legislature, for an act appointing commissioners finally to ascertain and determine the boundary lines between the said respective patents, and that Egbert Benson of the county of Dutchess, Samuel Jones of the city of New-York, Jesse Woodhull of the county of Orange, Cornelius C. Schoonmaker of the county of Ulster, and Peter Cantine of the county of Dutchess, be the commissioners for that purpose.

And whereas the said proprietors and agents have made such joint application by their petition to the Legislature, with which it appears reasonable to comply. Therefore

Be it enacted by the people of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful for the said Egbert Benson, Samuel Jones, Jesse Woodhull, Cornelius C. Schoonmaker and Peter Cantine, or any three of them, to hear and examine the said controversy, and finally by writing under the hands and seals of them or any three of them, to fix, ascertain and determine the boundary line or lines between the said respective patents, which determination shall be final and conclusive, as to all the rights, titles and interests derived under the letters patent, whereby the said lands called Kayaderoffers, and the said lands called the Half-Moon, and the said land called Shannondhoi or Clifton Park, were respectively granted to the original proprietors of the said lands, and shall to all intents and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to be within the said patent called the Half-Moon patent, in such person and persons, and with such estate and estates as the same would be vested in and held by, if the same had been undoubtedly included in the letters patent granted as aforesaid to the said Anthony Van Schaick; and in like manner shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to lie within the said patent called Kayaderoffers, in such person and persons, and with such estate and estates as the same would be vested in and held by, if the same had been undoubtedly included in the said patent called Kayaderoffers, and not within the said patent to Anthony Van Schaick; and in like manner shall to all intents constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to lie within the said patent called Shannondhoi or Clifton Park, in such person and persons, and with such estate and estates as the same would be vested in and held by, if the same had been undoubtedly included in the said patent called Shannondhoi or Clifton Park, and not within the said patent to Anthony Van Schaick, or within the said patent called Kayaderoffers, so that all and every person or persons, any thing having or claiming in the said land, by virtue of the said patent to Anthony Van Schaick, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands as shall be so as aforesaid determined to be within the bounds of the said patent called Kayaderoffers, or to be within

Preamble.

Reciting that controversies subsist between the proprietors of the patents of Kayaderoffers, Half-moon and Clifton Park, respecting their boundaries.

And that such controversies impede the settlement of the country, &c.

And that the proprietors are numerous, and many of them infants.

That the proprietors agreed to, and did petition to have the persons herein named appointed Commissioners to settle their boundaries.

Commissioners appointed finally to determine such controversy by fixing the boundaries in writing.

And such determination to vest the persons holding under the same with as ample a title therein as they would have been vested with if the same had been included in the original patent.

And all persons excluded from any other title than that which they may hold under such determination.

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Proviso.

Commissioners, before they execute their trust, to take the oath herein mentioned.

And before they make their determination, to view the premises.

Commissioners empowered to summon witnesses, and to order the production of papers, &c.

And to administer oaths to such witnesses, and the persons neglecting to obey such summons, or to produce such papers, liable to a penalty of 100l.

Such penalty, how to be recovered.

Proviso.

If any person shall give false evidence to such Commissioners, he shall suffer the penalties of perjury.

The determination of such Commissioners may be recorded in the Secretary's office, and an exemplification of such record to be received in evidence.

Such determination to be made in one year.

All expenses arising on ascertaining and fixing such lines, &c. to be paid by the parties interested, as herein directed.

the bounds of the said patent called Shannondhoi or Clifton Park; and all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent called Kayaderofferes, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands as shall be so as aforesaid determined to lie within the bounds of the said patent of Anthony Van Schaick, or within the bounds of the said patent of Shannondhoi or Clifton Park; and all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent of Shannondhoi or Clifton Park, shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands as shall be so as aforesaid determined to lie within the bounds of the said patent called the Half-Moon, or within the bounds of the said patent called Kayaderofferes.

Provided always, That nothing herein contained shall be deemed construed or extended to affect the estate, right, title, or interest of the people of this State, or of any person or persons, or body politic or corporate, not deriving title by, from, or under either of the said respective patents; any thing herein contained to the contrary thereof in any wise notwithstanding.

And be it further enacted, That each of the said Commissioners shall, before he executes any of the duties prescribed in and by this act, take the following oath before one of the Justices of the Supreme Court of this State, to wit, "I do hereby solemnly swear that I will well and truly execute the trust reposed in me in and by an act, entitled, "An act to ascertain and settle the limits and boundaries between the patent of Kayaderofferes, the patent commonly called the Half Moon Patent, and the patent of Shannondhoi or Clifton Park, and to bind the title of the respective claimants," to the best of my knowledge and ability: So help me God.

And be it further enacted, That the said Commissioners, before the making of their said determination, shall have a view of the premises in question, if either of the parties require the same.

And be it further enacted, That the said Commissioners, or any three of them, shall be and are hereby empowered and required to summon any person or persons to appear before them when and as often as the said parties, or either of them, shall think necessary, to be examined and give evidence touching the matters in controversy, and to bring with them all such books, deeds, papers, or other written evidence, as the said parties, or either of them, shall from time to time think proper for the execution of the trust hereby reposed in them; and the said Commissioners are hereby authorized and empowered to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matter in controversy; and if any person or persons, being summoned by writing subscribed by any one or more of the said Commissioners, and duly served on such person or persons, at least eight days before the time required by such summons for his, her, or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or to produce such written evidence as shall be required by the said summons, every such person so refusing or neglecting shall forfeit and pay for every such refusal or neglect the sum of one hundred pounds, to be recovered in any Court of record having cognizance thereof, by action of debt, to be brought in the name of the person or persons at whose instance such witness was summoned.

Provided always, That no such forfeiture shall be incurred, unless a tender shall have been made at the time of serving such summons, to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance.

And provided also, That no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

And be it further enacted, That if any person shall wilfully and knowingly give false evidence before the said Commissioners, or any three of them, touching the said controversy, he or she shall upon conviction thereof suffer the pains and penalties inflicted by law for wilful and corrupt perjury.

And be it further enacted, That the determination of the said Commissioners, or any three of them, as aforesaid, being duly acknowledged or proved in like form as deeds are by law to be acknowledged or proved, may be entered of record in the Secretary's office of the State of New-York, and the same, or the record thereof, or an exemplification or a true copy of such record, shall be good evidence of such determination in all courts both of law and equity.

And be it further enacted, That the said determination shall be made within one year from the passing of this act, and not afterwards.

And be it further enacted, That all the expences, costs and charges which shall arise and accrue in fixing and ascertaining the said boundary line or lines between the said respective patents as herein before mentioned, or for or by reason of any other matter or thing respecting the execution of the trusts or power herein before specified, (excepting fees to counsel for advice or assistance upon the hearing of the said controversy or otherwise) shall be equally paid and borne by the said parties in the following manner, that is to say; the one equal third part thereof, by the proprietors of the said patent of Kayaderofferes, one other equal third part thereof, by the proprietors of the said tract of land originally granted

to Anthony Van Schaick, commonly called the Half-Moon patent, and the other equal one third part thereof, to be paid by the proprietors of and the persons interested in the said tract of land, known by the name of Shannondhoi or Clifton Park, which said costs, charges and expenses shall be ascertained by a certificate of the said commissioners or any three of them; and if any of the said proprietors of the said allotments of the said patent of Kayaderosseres, shall neglect or refuse to pay his, her or their proportion of the said expenses, within one month after the determination of the said commissioners, or any three of them shall have been made, it shall be lawful for the said commissioners, or any three of them, to sell, grant and convey so much of the lands belonging to the said person or persons so refusing or neglecting as aforesaid, in whatever part of the said Patent of Kayaderosseres they shall think expedient, as may be sufficient to defray his, her, or their proportion of the said expenses, with interest for the same from the end of the said month; and that in like manner, if any of the proprietors of the said Half-Moon patent interested in the said controversy, shall refuse or neglect to pay his, her, or their proportion of the said expenses (to be assessed by the said commissioners, or any three of them) for or within one month after the determination of the said commissioners, or any three of them, shall have been made, it shall be lawful for the said commissioners, or any three of them, to sell so much of the lands of the person or persons so refusing or neglecting as aforesaid, in whatever part of the said Half-Moon patent as they shall think expedient, as may be sufficient to defray his, her, or their proportion of the said expenses, with like interest as aforesaid; and in like manner, if any of the proprietors of the said patent of Shannondhoi or Clifton Park interested in the said controversy, shall refuse or neglect to pay his, her, or their proportion of the said expenses (to be assessed by the said commissioners, or any three of them) for or within one month after the determination of the said commissioners, or any three of them, shall have been made, it shall be lawful for the said commissioners, or any three of them, to sell so much of the lands of the person or persons so refusing or neglecting as aforesaid, in whatever part of the said patent of Shannondhoi or Clifton Park they shall think expedient, as may be sufficient to defray his or their proportion of the said expenses, with like interest as aforesaid; and the charges of sale, and the deeds of the said commissioners, or of any three of them, for such lands so sold, shall be valid and effectual in the law, to all intents and purposes, against the said person or persons so refusing or neglecting, and his, her, or their heirs, and all others claiming or to claim, by, from, or under him, her, or them, or any of them, at any time thereafter.

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Said expenses to be ascertained by the commissioners, and if any of the proprietors in the patent of Kayaderosseres shall refuse to pay their proportion of such expenses, commissioners may sell as much of their lands as will pay the same.

If any of the proprietors in the Half-Moon patent shall refuse to pay their proportion of the expenses, commissioners may also sell as much of their lands as will pay the same.

And if any of the proprietors of the patent of Clifton Park shall refuse to pay their proportion of such expenses, commissioners may also sell as much of their lands as will pay the same.

And deeds given by said commissioners on such sales, to be valid.

C H A P. LVIII.

An ACT granting the Right of the People of this State in certain Lands therein mentioned.
Passed 12th March, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That all the estate, right, title, interest, claim, and demand of the people of the State of New-York, of, in, and to any lands, tenements, or hereditaments, in a tract of land situated in the towns of Hilldale and Kinderhook, in the county of Columbia (and lying south of the town of Canaan, and north of the north line of the lands claimed by the heirs of Colonel John Van Rensselaer deceased, and also west of the said town of Canaan, and east of the Kinderhook patent) now possessed by any person or persons, shall be and is hereby granted to the respective possessor or possessors of such lands, tenements, and hereditaments, and to the heirs and assigns of such possessors respectively forever.

Provided always, That such possessor or possessors shall be construed and taken to be the person or persons holding in his or her own right, and not occupying or improving in the right of another.

And provided also, That nothing herein contained, shall be construed to invalidate or injure the rights of any person claiming lands in any grants passed under the great seal of the late colony of New-York, before the fourteenth day of October, one thousand seven hundred and seventy five, or under the great seal of this State.

All the right of the people of the State in certain lands situate in the towns of Hilldale and Kinderhook, granted to the present possessors.

Proviso.

Further proviso.

C H A P. LIX.

An ACT to incorporate the Society instituted in the State of New-York, for the Promotion of Agriculture, Arts and Manufactures. Passed the 12th of March, 1793.

WHEREAS several persons in the State of New-York have by a voluntary agreement associated themselves for the laudable purpose of promoting agriculture, arts, and manufactures in this State.

And whereas the said society have presented a petition to the Legislature, setting forth, that the petitioners considering that the wealth and prosperity of a country very much depend upon the flourishing state of its agriculture, arts and manufactures, and observing the benefit which in other countries have accrued from the institution of societies for the purpose of encouraging those great objects, have voluntarily associated themselves, with a

Preamble, reciting that several persons associated themselves for improving agriculture, &c.

And that said persons considering such association of great advantage to agriculture, arts, &c. have prayed to be incorporated.

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Robert R. Livingston and others, constituted and declared a body corporate and politic by the name of *the Society for the promotion of agriculture, arts and manufactures.*

And that by that name they shall have succession, be capable of suing and being sued.

And may have a common seal, and hold real and personal estates.

Provido. Yearly value of their estate not to exceed £ 800.

The corporation empowered to make bye laws, constitutions, &c. for electing their officers, &c.

Such bye laws not to be repugnant to the constitution or laws of the United States, or of this State, and the first officers named.

view of collecting from different parts of the State the different modes of agriculture that are in practice, to suggest such improvements as may be found to be beneficial; to excite among their fellow citizens a spirit of making experiments for the amelioration of lands which have been exhausted, or in their natural state are unproductive or unfit for cultivation; for increasing the produce of such articles as are propagated amongst us, and promoting the culture of others which have been found useful in other parts, and for the improvement of field husbandry in general; and to introduce, as far as circumstances may render proper, an emulation for the establishment of useful arts and manufactures in those parts of the State where they can be beneficially carried on; that the petitioners conceive it would greatly conduce to advance the important ends of their association, if they were authorized to act as a corporate body, and possess property to such amount as would enable them to effectuate their purposes more satisfactorily to themselves, and more beneficially to the public: They therefore prayed that the Legislature would be pleased by law to incorporate the society for the purposes aforesaid, under such limitations and restrictions as to the Legislature shall seem meet. Therefore

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That Robert R. Livingston, John Sloss Hobart, Samuel L. Mitchell, John M'Kesson, Matthew Clarkson, Samuel Bard, John Cantine, Samuel Jones, Thomas Tillotson, Joseph Halbrouck, James G. Graham, Jacobus Swartwout, Melancton Smith, Abraham Hardenburgh, John Gelston, William W. Gilbert, David R. Floyd Jones, George Clinton, Aquila Giles, Ezra L'Hommédieu, John Schenck, James Hunter, Egbert Benson, John Blagge, John P. Delancey, Francis Childs, John Watts, Peter Vandervoort, Henry Will, Ebenezer Purdy, Josiah Ogden Hoffman, John Smith of Suffolk county, Cornelius J. Bogart, William Dunlap, Walter Rutherford, Philip Van Cortlandt, John Williams, Richard Varick, John Jay, Elias Newman, Amasa Dingley, Gilbert Colden Willett, Stephen Lush, John Stevens, John Kemp, Abraham Beach, Samuel Nicoll, Jonathan N. Havens, John L. Gardner, Frederick Rhyneland, Pierre De La Bigarre, Edward Livingston, John Thurman, Jeremiah Van Rensselaer, James Duane, Simeon De Witt, Nathaniel Sackett, William Rhineland, Samuel Russell, Moses De Witt, David Frederick Laring, John Nicholson, Andrew King, John Barber, Joseph Barber, Johannes Miller, William Thompson, David Ogden, John Delafield, Horatio Gates, Benjamin Strong, and Samuel Jones, junior, and such other persons as shall from time to time become members of the said society shall be and hereby are ordained, constituted, and declared to be one body corporate and politic, in deed, fact, and name, by the name of *The Society for the Promotion of Agriculture, Arts, and Manufactures*, and that by that name they and their successors, until the first day of May one thousand eight hundred and four, shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever: And that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the same name, shall be persons capable in law to purchase, take, receive, hold, and enjoy to them and their successors, any real estate in fee simple, or for term of life or lives or otherwise; and any goods, chattels, or personal estate, for the purpose of enabling them the better to carry into execution, encourage, and promote such measures as may tend to promote agriculture, arts, and manufactures in this State.

Provided the clear yearly value of such real and personal estates shall not exceed the sum of eight hundred pounds lawful money of New-York, and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estates, or any part thereof at their will and pleasure; and that they and their successors shall have power from time to time, to make, constitute, ordain and establish such bye laws, constitutions, ordinances and regulations as they shall judge proper for the election of their officers, for the election or admission of new members of the said corporation, and the terms and manner of admission, for the better government and regulation of their officers and members, for fixing the times and places of the meeting of the said corporation, and for regulating all the affairs and business of the said corporation.

Provided, that such bye laws and regulations shall not be repugnant to the constitution or laws of the United States, or of this State. And for the better carrying on the business and affairs of the said corporation, there shall be a President, Vice-President, Treasurer and two Secretaries of the said corporation, who shall hold their offices from the time of their appointment or election, until the second Tuesday of January then next, and until others shall be chosen in their places. And that the said Robert R. Livingston is hereby appointed President, the said John Sloss Hobart Vice-President, the said Samuel Jones Treasurer, and the said Samuel L. Mitchell and Samuel Jones, junior, Secretaries of the said corporation; and that their successors in office shall hereafter be chosen by the members of the said corporation, in such manner and at such times and places, as shall be directed by the bye laws of the said corporation to be made for that purpose; and that the President or Vice-President, and any twelve or more of the members of the said corporation, shall be sufficient to constitute a legal meeting of the said corporation.

And be it further enacted, That the members of the Legislature, who shall not be stiled members of the said corporation, be nevertheless in virtue of their stations honorary members of the said corporation, and shall sit but not vote as such for officers, or have any voice in the disposition of their funds.

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Members of the Legislature to be honorary members of said corporation.

CHAP. LX.

An ACT to alter the Stile of the respective Religious Corporations therein mentioned.

Passed the 12th of March, 1793.

WHEREAS the corporation of Grace Church in the town of Jamaica, in Queens county, by letters patent under the great seal of the late Colony of New-York, bearing date the seventeenth day of June, in the year of our Lord, one thousand seven hundred and sixty one, were enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name of "The Rector and Inhabitants of the Parish and Township of Jamaica, in Queens County, in communion of the Church of England, as by Law established."

Preamble, reciting that the corporation of Grace Church in the town of Jamaica were incorporated under a certain name.

And whereas the corporation of St. George's Church, in the town of Flushing, in Queens county, by letters patent under the great seal of the late Colony now State of New-York, bearing date the seventeenth day of June, one thousand seven hundred and sixty one, were enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name of "The Inhabitants of the Township of Flushing, in Queens County, in communion of the Church of England, as by Law established."

Reciting that the corporation of St. George's Church in the town of Flushing were incorporated under a certain name

And whereas the corporation of St. James's Church, in the town of Newtown in Queens county, by letters patent under the Great Seal of the late Colony now State of New-York, bearing date the ninth day of September, one thousand seven hundred and sixty one, were enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended by the name of "The Inhabitants of the township of Newtown, in Queens County in communion of the Church of England, as by law established."

Reciting that the corporation of St. James's Church in Newtown were incorporated under a certain name.

And whereas the said corporations by their several and respective petitions presented to the Legislature of this State, have prayed that they may be enabled to assume and use the several names and stiles in the said several petitions mentioned and expressed. Therefore

And that the said corporations have prayed to assume the names mentioned in their several petitions.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the said corporation of Grace Church, in the town of Jamaica in Queens county, shall and may, from and after the passing of this act, take and use the name of "The Rector and Inhabitants of the town of Jamaica in Queens county, in communion of the Protestant Episcopal Church in the State of New-York."

The corporation of Grace Church to use the name herein mentioned.

And be it further enacted, That the said corporation of St. George's Church in the town of Flushing in Queens county, shall and may, from and after the passing of this act, take and use the name of "The Rector and Inhabitants of the town of Flushing in Queens county, in communion of the Protestant Episcopal Church in the State of New-York."

The corporation of St. George's Church to use the name herein mentioned.

And be it further enacted, That the said corporation of St. James's Church in the town of Newtown in Queens county, shall and may, from and after the passing of this act, take and use the name of "The Rector and Inhabitants of the town of Newtown in Queens county, in communion of the Protestant Episcopal Church in the State of New-York." And by the said several and respective names shall be capable severally and respectively, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in as full and ample manner to all intents and purposes, as they were severally enabled to do, in and by the said several and respective letters patent herein before recited. And that all bonds, bills, grants, contracts, deeds and conveyances made to or by the said corporations, between the dates of the said several letters patent and the passing of this act, wherein they are named or mentioned by the stiles and names of their said several letters patents or any or either of them, or by any other name or names, shall be good, valid and effectual in the law, in like manner as they would have been if the names or stiles of the said several and respective corporations, or any or either of them had been named in manner as herein directed in such bonds, bills, grants, contracts, deeds and conveyances, any law, usage or custom to the contrary thereof in any wise notwithstanding.

The corporation of St. James's Church to use the name herein mentioned.

And that the said corporations may severally sue and be sued by said names.

And that all bonds, bills, &c. due to or from them by their former names, shall be as valid as if their names and style had not been changed.

CHAP. LXI.

An ACT relative to the Loan Officers in the County of Montgomery.

Passed the 12th March, 1793.

WHEREAS it has been represented to the Legislature, that it is found impracticable for the Loan Officers for the county of Montgomery since the division of the said county, to prepare their accounts for inspection as Loan Officers, in conformity to the directions of the act passed the eighteenth day of April, one thousand seven hundred and eighty six, entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned." Therefore

Preamble.

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Certain parts of said act therefore suspended.

Supervisors and Judges of Montgomery, Herkemer and Otsego, instead of the former day appointed for their meeting to inspect loan officers' accounts, to meet on a certain other day.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That so much of the said act above recited, as requires the attendance of the Supervisors and Judges on the first Tuesday in October, to inspect the books and accounts of the Loan Officers in the county of Montgomery, as far forth as respects the counties of Montgomery, Herkemer and Otsego, be and the same is hereby suspended until further Legislative provision in the premises.

And be it further enacted, That it shall be the duty of the Supervisors and Judges of the counties of Montgomery, Herkemer, and Otsego, or so many of them as were by any former law required to meet on the first Tuesday in October, in every year, for the purposes before mentioned, to meet on the second Tuesday in November, in each and every year, at the court-house in Johnstown, in the county of Montgomery, and then and there to inspect the books and accounts of the loan-officers of the said county of Montgomery, and to do and transact all and singular the duties enjoined and required of them in and by the act hereby amended.

C H A P. LXII.

An ACT to enable certain Persons therein named to purchase and hold real Estates within this State. Passed 12th March, 1793.

Peter de la Bigarre and others, authorized to purchase and hold real estates to a certain amount, as if they were natural born citizens.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That it shall and may be lawful for Peter De La Bigarre, William Gray, Francis Up-ton, Alexander James Hamilton, Matthew Caldwell, William Guthrie, James White, John Dunn, Andrew Dunn, Harmanus H. Post, James Campbell, Thomas Mackaness, John Boonen Graves, Henry Van Allen, George Young, Lemon Lawrance Lawrance, Richard Vandemburgh, Jonathan Williams, Joseph Cheavoau De Maissonrouge, Luke Gilbert, Henry Fisher, Johannes Eyler, Johannes Rosenberger, Hendrick Trowman, Christian Nungester, Nicholas Goodemuth, and William Shaaff, severally to take and hold, by purchase or descent, lands, tenements and hereditaments, within this State, to any amount not exceeding twenty-five thousand dollars respectively, to have and to hold the same to them, and to their respective heirs and assigns forever, as fully to all intents and purposes as any natural born citizens may or can do, any law, usage, or custom notwithstanding.

Lands heretofore purchased by said persons not to escheat to the State, by reason of their being aliens.

And be it further enacted, That no lands, tenements or hereditaments, heretofore purchased by any of the persons herein before named shall escheat to the people of this State by reason or on account of such persons then being aliens; but all such lands, tenements, and hereditaments, shall be understood as having vested in such purchaser or purchasers as though they had been naturalized at the time of such purchase or purchases, any law to the contrary thereof notwithstanding.

Provido.

Provided always, That no alienation of such lands shall be good and effectual in the law other than to a citizen or citizens of the United States.

C H A P. LXIII.

An ACT to authorize the Executors of Peter Tappen, deceased, to sell the real Estate therein mentioned. Passed the 12th of March, 1793.

Preamble, reciting the petition of Elizabeth Tappen; relative to inability of said Tappen to fulfil certain contracts, and executors to sell certain parts of his real estate.

WHEREAS Elizabeth Tappen hath represented to the Legislature, that by the last will and testament of her late husband, Peter Tappen, deceased, the said Elizabeth and George Clinton, Esquire, the executors therein named, were empowered to sell all or any part of his real estate, for the uses and purposes in the said will mentioned; that there are debts against the estate of the said testator beyond the value of the personal estate owned by him at his death, and the real estate owned by him at the time of making the said will: That contracts have been made by the said Peter in his life time for the sale of certain parts of the real estate acquired by him since the making of his said will, and in some instances the consideration money paid, but the deeds never executed; and the said Elizabeth hath accordingly prayed that a law might be passed extending the power granted by the said will to the executors to sell the real estate of the testator, to such real estate as the said Peter acquired since the making of his said will. Therefore

Said executors authorized to fulfil such contracts.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the executors named in the last will and testament of the said Peter Tappen, deceased, are, and the survivor of them is hereby authorized and empowered to perform all the said contracts so made by the said Peter Tappen in his life time, and to make, do, and execute all such conveyances, acts, and things as shall be necessary for that purpose, which shall be as good and effectual, to all intents and purposes, as if the same had been made, done, and executed by the said Peter Tappen in his life time.

And to sell all or any part of the real estate of the said Peter Tappen, and execute deeds for the same.

And be it further enacted, That it shall and may be lawful for the said executors, and the survivor of them, and they are hereby authorized and empowered, to sell all or any part of the real estate of the said Peter Tappen, whether the same was purchased or acquired by him before or after the making of his said will; and to make and execute deeds and convey-

ances for the same to the purchasers thereof, and to the heirs and assigns of such purchasers; which deeds and conveyances shall be as good and effectual, as if the same had been executed by the said Peter Tappen in his life time; and out of the monies to arise by such sales, to pay and discharge all such of the debts of the said Peter Tappen, as shall remain unpaid after his personal estate shall have been applied for that purpose, and to put the residue of the said purchase money out at interest on good landed security, or invest the same in the Stock of the United States, for the benefit of the heirs and devisees of the said Peter Tappen, according to their respective rights and interest therein.

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And out of the monies arising from such sales to pay all his debts, and to put the residue out at interest, or invest it in stocks.

C H A P. LXIV.

An ACT to divide the Towns therein mentioned.

Passed the 12th of March, 1793.

BE it enacted by the People of the State of New-York, Represented in Senate and Assembly, That from and after the first Monday in April, one thousand seven hundred and ninety four, all that part of the town of Mohawk, in the county of Montgomery, which lies east of Schoharie Creek in the said county, shall be and is hereby erected into a town by the name of Florida; and that all the remaining part of the town of Mohawk, which lies west of the Schoharie Creek, shall after the first Monday in April next, be, and the same is hereby erected into a distinct and separate town by the name of Charleston.

Certain parts of the town of Mohawk, in Montgomery county, erected into a town by the name of Florida.

The remaining parts erected into a town by the name of Charleston.

And be it further enacted, That from and after the first Monday in April aforesaid, all that part of the town of Caughnawaga, in the said county of Montgomery, bounded as follows, to wit: Beginning at the south east corner of the said town of Caughnawaga, and running from thence westerly along the south bounds of the said town, until a small bridge in the main road near to Victor I. Putmans house shall be due north, thence running north six miles, thence running an easterly course so as to strike the west bounds of the county of Saratoga, six miles north of the river Mohawk, thence south along the west bounds of the county of Saratoga, and also along the west bounds of the county of Albany, to the place of beginning, shall be and hereby is erected into a town by the name of Amsterdam; and that all that part of the said town of Caughnawaga, bounded as follows, to wit; beginning at the north east corner of Amsterdam, thence running westerly along the northerly bounds of the said town of Amsterdam to the middle of the said boundary line, thence due north to the county of Herkemer, thence easterly along the line that divides the counties of Montgomery and Herkemer to the county of Saratoga, thence south along the west bounds of Saratoga to the place of beginning, shall be and hereby is erected into a separate town by the name of Broadalbin; and that all that part of the said town of Caughnawaga, bounded as follows, to wit; beginning at the southwest corner of Broadalbin, thence running along the northerly bounds of the town of Amsterdam to the northwest corner of the said last mentioned town, thence due north to the county of Herkemer, thence easterly along the line that divides the counties of Herkemer and Montgomery, to the northwest corner of the town of Broadalbin, thence south along the west bounds of the said town of Broadalbin to the place of beginning, shall be and hereby is erected into a separate town by the name of Mayfield; and that all the remainder of the said town of Caughnawaga, shall be and remain a separate town by the name of Johnstown.

Part of the town of Caughnawaga, in said county, erected into a town by the name of Amsterdam.

Another part of said town erected into a town by the name of Broadalbin.

And another part of said town erected into a town by the name of Mayfield.

And the remaining part thereof erected into a town by the name of Johnstown.

And be it further enacted, That all that part of the town of Washington, in the county of Dutchess, lying north of the north line of lots number fourteen and twenty three laid out in the general division heretofore made of a tract of land called the lower or great nine partners, shall from and after the first Monday in April, 1794, be erected into a separate town by the name of Stanford.

A certain part of the town of Washington, in the county of Dutchess, erected into a town by name of Stanford.

And be it further enacted, That from and after the said first Monday in April, 1794, all that part of the town of Westfield, in the county of Washington, known by the name of the Provincial patent, shall be and hereby is erected into a separate town by the name of Hartford.

Part of the town of Westfield, in Washington county, erected into a town by the name of Hartford.

And be it further enacted, That from and after the said first Monday in April, 1794, so much of the town of Water-Vliet as is comprehended within the bounds following, to wit; beginning on the west bank of Hudsons River, in the south bounds of the city of Albany, and running thence westerly along the said south bounds until a northeast line drawn from the junction of the Vly-Kill with the Normans Creek intersects the said south bounds, thence to the junction aforesaid, thence to the northeast corner of the town of Rensselaer Ville, thence southerly along the east bounds of Rensselaer Ville to the town of Coeymans, thence easterly along the same to Hudsons River, thence east to the west bounds of Rensselaer county, thence northerly along the same, until the place of beginning above mentioned bears west, thence west to the place of beginning, shall be and hereby is erected into a separate town by the name of Bethlehem.

Part of the town of Water Vliet erected into a town by the name of Bethlehem.

And be it further enacted, That all that part of the town of Saratoga and Milton, in the county of Saratoga, included within the following bounds, to wit; beginning at the south east corner of lot number seven, in the seventeenth allotment of the patent of Kayaderosseres, thence running north along the east bounds thereof, to the southerly bounds of the twenty second allotment of the said patent, thence northeasterly along the same, to the

Parts of the towns of Saratoga and Milton, in the county of Saratoga erected into a town by the name of Greenfield.

A. D. 1793.
Ind. U. S. XVII.

First town meetings
in said towns, where
to be held,

Said towns to have
the like privilege of
electing town officers,
&c. as other towns in
this State,

Poor of the town of
Mohawk, how to be
divided.

Poor of the town of
Caughnawaga, how to
be divided.

Poor of the town of
Washington, how to be
divided.

Poor of the town of
Westfield, how to be
divided.

Poor of the town of
Water Vliet, how to
be divided.

Poor of the towns of
Kortright & Harpers-
field, how to be di-
vided.

Poor belonging to the
towns of Saratoga and
Milton, how to be di-
vided.

Overseers of the poor
of the said several
towns, when & where
to meet for dividing
the poor.

Contingent charges
of all the said towns to
be paid until a certain
day, as if this act had
never been passed.

southwest corner of the twenty third allotment of the said patent, thence northerly along the west bounds thereof to the southwest corner of the twenty fifth allotment of the said patent, from thence north to Hudsons River and the west bounds of the county of Washington, thence westerly and northerly on the west line of the county of Washington to the north bounds of the said county of Saratoga, thence west to the northeast corner of the town of Galway in the said county of Saratoga, thence south on the east line of the same to the north bounds of the sixteenth allotment of the patent aforesaid, and from thence easterly along the same, to the place of beginning, shall from and after the first Monday in April, 1794, be, and the same is hereby erected into a separate town by the name of Greenfield.

And be it further enacted, That the first town meeting in each of the said towns shall be held as follows, to wit; in the town of Florida, at the dwelling house of Ezra Murry; in the town of Charleston, at the dwelling house of Phineas Leach; in the town of Amsterdam, at the dwelling house of Isaac Vedder; in the town of Broadalbin, at the dwelling house of Daniel M'Intyre; in the town of Mayfield, at the meeting house adjoining the Sacondago road, near to a Store lately occupied by George Courtauld; in Johnstown, at the Court House in the said town; in the town of Stanford, at the dwelling house of Solomon Sutherland; in the town of Hartford, at the dwelling house of Daniel Mafon; in the town of Westfield, at the dwelling house of Thaddeus Dewey; in the town of Bethlehem, at the dwelling house of Henry Buchans; in the town of Greenfield, at the dwelling house of Joel Reynolds; in the town of Kortright, at the dwelling house of Thomas M'Claughery, and in the town of Harpersfield, at the dwelling house of John Harper.

And be it further enacted, That the freeholders and inhabitants of each of the respective towns hereby erected shall be and hereby are impowered to hold town-meetings, and elect such town officers as the freeholders and inhabitants of any town in this State may do by law; and that the freeholders and inhabitants of each of the said towns respectively, and the town officers to be by them elected shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders, inhabitants, and town officers of the other towns in this State, are entitled and subject to by law.

And be it further enacted, That the poor belonging to the said town of Mohawk, previous to this division, shall be divided amongst the said towns of Florida and Charleston, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax list of the said town, and the overseers of the poor and supervisors of the said towns, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling-house of John T. Visscher, in Florida aforesaid, and make such division as aforesaid. And that the poor belonging to the town of Caughnawaga, previous to this division, shall be divided amongst the said towns of Amsterdam, Broadalbin, Mayfield, and Johnstown, and that the poor belonging to the said town of Washington, previous to this division, shall be divided amongst the said towns of Washington and Stanford, and that the poor belonging to the said town of Westfield, previous to this division, shall be divided amongst the said towns of Hartford and Westfield; and that the poor belonging to the said town of Water Vliet, previous to this division, shall be divided amongst the said towns of Bethlehem and Water Vliet; and that the poor belonging to the said towns of Kortright and Harpersfield, previous to this division, shall be divided amongst the said towns of Kortright and Harpersfield; and that the poor belonging to the said towns of Saratoga and Milton, previous to this division, shall be divided amongst the towns of Saratoga, Milton, and Greenfield, in like manner as aforesaid; and the overseers of the poor and supervisors of the said towns of Amsterdam, Broadalbin Mayfield, and Johnstown, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the court-house in Johnstown, and the overseers of the poor and supervisors of the said towns of Washington and Stanford, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling-house of Solomon Sutherland, in Stanford aforesaid; and the overseers of the poor and supervisors of the said town of Westfield and Hartford, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling-house of Thaddeus Dewey, in Westfield aforesaid; and the overseers of the poor and supervisors of the said towns of Water Vliet and Bethlehem, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling-house of William Kane, in Water Vliet aforesaid; and the overseers of the poor and supervisors of the said towns of Harpersfield and Kortright, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling-house of Thomas M'Claughery, in the town of Kortright, for the purposes aforesaid; and the overseers of the poor and supervisors of the said towns of Saratoga, Milton, and Greenfield, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling-house of Joel Reynolds, in the town of Greenfield aforesaid, for the purpose aforesaid; and the said towns respectively shall thereafter maintain their respective poor.

And be it further enacted, That the contingent charges and expenses of the towns hereby divided that have already arisen or shall arise before the first Monday in April, 1794, shall be assessed, levied and paid in the same manner as if this act had not been passed.

And be it further enacted, That all that part of the town of Harpersfield contained in the following bounds, to wit; beginning at the most Easterly corner of the town of Franklin, from thence up the North side of the West branch of the river Delaware, until it comes opposite to the division line between the patents of Kortright and Harpersfield, then Northerly to and along the last mentioned line to the Allegotany or Charlotte river, then down along the Southerly bank of the said river and the river Susquehannah to the town of Franklin, then along the east line of the said town of Franklin to the place of beginning, shall from and after the first Monday in April, one thousand seven hundred and ninety four, be, and the same is hereby erected into a separate town by the name of Kortright, and that all the remaining part of the said town of Harpersfield, be and remain a town by the name of Harpersfield, and that the first town meeting in the said town, be held at the dwelling house of the said John Harper in the said town.

A. D. 1793.
Ind. U. S. XVII.

Part of the town of Harpersfield erected into a town by the name of Kortright.

And the remaining part to retain the name of Harpersfield.

No towns in this State hereafter to be divided or any new towns erected, but under certain limitations

And be it further enacted, That from and after the passing of this act, that no town in this State shall be divided, nor any new town erected without an application to the Legislature by the inhabitants of such town so to be divided, or of the several towns out of which such new town is to be erected, or some of them, accompanied with a map of such town or towns, with the lines of such proposed division or new town marked thereon, and that notice of such intended application shall be given at least ten days previous to the town meeting in each of the towns to be affected thereby, which notice shall be in writing and affixed on the door of the house where such town meeting shall be held, and shall be subscribed by at least five persons resident and freeholders in such towns; a copy of which notice shall also be read in such town meeting, to the people there assembled, by the clerk of such town, immediately before proceeding to the election of town officers.

C H A P. LXV.

An ACT concerning Fence-viewers. Passed the 12th of March, 1793.

WHEREAS in and by the act, entitled, "An act for dividing the counties of this State into towns," the Fence-viewers of each and every of the towns in this State, are required in every case when any distress shall be made of any beasts doing damage, before they can appraise and ascertain the damage, to take an oath therein mentioned, which occasions much trouble to the said Fence-viewers: For remedy whereof

Preamble,

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That from and after the first Tuesday in April next, each and every of the said Fence-viewers, shall instead of the oath prescribed in and by the said act, before he enters upon the execution of his office, and within eight days after his election or appointment, take and subscribe before a justice of the peace of the county in which he shall be so elected or appointed, an oath in the following form, to wit: "I ——— do solemnly and sincerely promise and swear, that I will in all things to the best of my knowledge and ability, well, faithfully and impartially, execute and perform the trust reposed in me, as a Fence-viewer in the town of (here insert the name of the town,) in the county of (here insert the name of the county.)" And further, that every justice of the peace before whom such oath shall be taken and subscribed as aforesaid, shall without fee or reward certify under the same writing, the day and year when the same oath was taken, and subscribe his name thereto, and then deliver the same writing to the person taking the same oath, who shall within eight days thereafter, transmit or deliver the same to the clerk of the town for which such Fence-viewers so taking such oath was elected or appointed; and if any Fence-viewer shall not take and subscribe such oath as aforesaid, and transmit or deliver the same to the town clerk as aforesaid, within the time hereby limited, then and in every such case such neglect shall be deemed a refusal to serve in such office, and the town in which such officer was chosen, may thereupon proceed to a new choice.

Fence viewers, before they enter on the execution of their offices, to take an oath.

Form of the oath.

Every justice, before whom such oath shall be taken, to certify the same.

Which shall be delivered by the person, taking the oath, to the Town Clerk.

Neglect to take such oath, to be considered as a refusal to serve.

C H A P. LXVI.

An ACT for the relief of John Bailey. Passed 12th March, 1793.

WHEREAS William Barron, David Stone, Noah Porter and Joshua Lack, were each entitled to two thousand acres of land, in the late colony of New-York, as officers in the British Army, by virtue of a certain proclamation of the King of Great Britain, bearing date the seventh of October, one thousand seven hundred and sixty three; and it is represented to the Legislature, that Elias Bland, late of the State of New-Jersey, (deceased) was entitled by purchases from the said William Barron, David Stone, Noah Porter and Joshua Lack, to the said land, amounting in the whole to eight thousand acres, which they had located in a certain tract known by the name of Totten and Crossfields purchase.

Preamble, reciting, that William Barron, David Stone, Noah Porter, and Joshua Lack, were entitled to 2000 acres of land each, in the late colony of New-York, as officers in the British army, which land they sold to Elias Bland, now deceased.

Reciting, further, that said Bland was not able to procure a patent therefor until the 23d of Nov. 1775: which when obtained was in the names of the aforesaid persons.

And whereas, it appears to the Legislature, that notwithstanding repeated applications were made to the then government, by the said Elias Bland, prior to the fourteenth day of October, in the year of our Lord, one thousand seven hundred and seventy five, and notwithstanding his just and equitable claim thereto, he was not able to procure a patent for the same before the twenty third day of November, in the year of our Lord, one thousand seven hundred and seventy five, and which was obtained by the said Elias Bland, in the names of the said William Barron, David Stone, Noah Porter and Joshua Lack.

A. D. 1793.
Ind. U. S. XVII.

And reciting that said Bland, after obtaining said patent, died indebted to John Bailey.

And that the said John Bailey, not knowing that the said patent was void, purchased the same from the administrators of said Bland's estate.

And that the commissioners of the land office have granted the said land to John Thurman.

And that as an equitable estate in the same was vested in said Bland, legislative interposition is necessary.

Commissioners of the land office directed to grant eight thousand acres to John Bailey, in lieu thereof.

And whereas the said Elias Bland, after the obtaining the patent for the said tract of eight thousand acres of land, departed this life some time in the year one thousand seven hundred and eighty two, considerably indebted to John Bailey, of the city of New-York,

And whereas the said John Bailey, not knowing that the patent or grant so made to the said Elias Bland was rendered null and void by the constitution of the State, purchased the said tract of eight thousand acres from Joseph Shotwell and Robert Bowne, the administrators to the estate of the said Elias Bland, for a good and valuable consideration.

And whereas the commissioners of the land office, by virtue of the powers to them for that purpose given, have granted and conveyed the said tract of eight thousand acres to John Thurman and others, as vacant and unappropriated lands.

And whereas the equitable estate to the said eight thousand acres of land was justly and truly vested in the said Elias Bland, and the not procuring a patent for the same seems to have been wholly owing to the delay on the part of the then government, by reason whereof the interposition of the Legislature has been necessary, in order to do justice to the said John Bailey: Therefore

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby directed to cause letters patent, in the usual form, to issue to the said John Bailey, for eight thousand acres of such part of the vacant and unappropriated lands within the limits of the aforesaid Totten and Crossfield's purchase, in lieu of those lands heretofore mentioned to have been granted to John Thurman and others, in the tract known by the name of Totten and Crossfield's purchase, as the said John Bailey shall locate and survey at his expence, on his the said John Bailey's paying one shilling per acre for the same, and producing to the said commissioners conveyances to him or the said Elias Bland, from the said William Barron, David Stone, Noah Porter, and Joshua Lack, for the said lands.

C H A P. LXVII.

An ACT for the Payment of the Salaries of certain Officers of Government, and other contingent Expenses. Passed the 12th of March, 1793.

Treasurer to pay to Simeon De Witt, James Fairlie, and Francis Childs, the several sums herein mentioned.

Be it enacted by the People of the State of New-York, Represented in Senate and Assembly, That the Treasurer shall pay, on or before the first day of July next, to Simeon De Witt, Surveyor General of this State, the sum of four hundred pounds; to James Fairlie, Clerk of the Courts of Oyer and Terminer and General Gaol Delivery, the sum of three hundred and fifty pounds; and to Francis Childs, Printer for this State, the sum of one hundred pounds, for their services in their respective offices, from the first day of July last, to the first day of July next; and to the said Francis Childs the further sum of eighty nine pounds ten shillings, for his extra work, as Printer during the present session.

Provido. Simeon De Witt to account for and pay certain fees.

Provided nevertheless, That the said Simeon De Witt shall account with the Auditor for this State, and pay into treasury all the fees which he may have received as Surveyor General during the time abovesaid, and which have not already been accounted for and paid.

To Nicholas Fish 350l. per annum.

And be it further enacted, That the Treasurer shall pay unto Nicholas Fish, Adjutant General of the militia of this State, at and after the rate of three hundred and fifty pounds per annum, to be computed from the first day of July last, and continued to the first day of July next, if he shall so long remain in office.

To the Chaplains to the Legislature 16s. per day.

And be it further enacted, That the Treasurer shall pay to such Gentlemen of the Clergy as shall have attended the Legislature as chaplains during the present session, the sum of sixteen shillings each for every day of their attendance for that purpose; and the certificates of their attendance, and the sums due to them respectively, shall be certified by the President of the Senate and the Speaker of the Assembly, in like manner as for members of the Legislature.

To canvassing committee the same pay as is allowed to the members of the Legislature,

And be it further enacted, That the Treasurer shall pay to each member of the joint committee of the Senate and Assembly who attended to canvass the ballots taken at the last election for Governor, Lieutenant Governor and Senators, for every day they attended, or were travelling to or from their respective places of abode, for that purpose; and to the joint committee of the Senate and Assembly appointed to canvass and estimate the ballots that shall be taken at the next election within this State for Senators, for every day they shall attend or be travelling to or from their respective places of abode for that purpose, the like compensation as is allowed to the members of the Legislature for their services in and by the act entitled, "An act for the support of government."

To the electors for President and Vice President of the United States, same allowance as to members of the Legislature.

And be it further enacted, That the Treasurer of the State, shall pay to the electors chosen by the Legislature at this present session, for the purpose of electing a President and Vice-President of the United States of America, the sum of twenty shillings, for each and every day that they respectively attended at the town of Poughkeepsie, for that purpose, and the like compensation for every thirty miles travelling to the aforesaid town, and returning to their respective places of residence.

And be it further enacted, That the Treasurer of this State be, and he hereby is directed to pay to the several persons herein after mentioned, the following sums of money, viz.

To the Secretary of this State, the amount of his expenses in transmitting by express in conformity to the order of the Legislature, six hundred copies of the "Act for electing Representatives for this State, in the House of Representatives of the Congress of the United States of America," to the Sheriffs of the several counties in this State, agreeably to such account thereof as he shall produce, audited by the Auditor for this State.

To his Excellency the Governor, the sum of two hundred pounds promised by his proclamation, and by him paid to Jonathan Ruffel, for apprehending Jacob Valentine, charged with the murder of an Onondago Chief, at Oswego Falls, in the county of Herkemer, and the further sum of one hundred and forty three pounds sixteen shillings and four pence, by him advanced for incidental expences, attending Indian affairs, for dispatching expresses, and certain other incidental charges, over and above the sums provided for by law.

To William Colbrath, the sum of twenty eight pounds sixteen shillings, for sundry services and expences, in distributing presents among the Onondago Indians, by order of his Excellency the Governor, in consequence of the murder of the said Onondago Chief.

To Nicholas Power, the sum of ten pounds; To Thomas Greenleaf, the sum of twelve pounds, and to Robert Barber, the sum of ten pounds, for publishing in their respective newspapers, the proceedings of the Assembly, on the subject of the late committee appointed to canvass the votes for Governor, Lieutenant Governor and Senators.

To Andrew Cannan, the sum of twenty four pounds twelve shillings and ten pence; To Ephraim Hudson, the sum of twenty four pounds six shillings and four pence; To William Beekman, the sum of twenty four pounds twelve shillings and four pence; To Joseph Whitford, the sum of twenty three pounds four shillings; To Joseph Tunnecliff, the sum of twenty five pounds twelve shillings; To James Moore, the sum of twenty six pounds thirteen shillings and four pence; To Ichabod B. Palmer, the sum of twenty two pounds eight shillings; To John Dickens, the sum of twenty two pounds eight shillings; To Jedediah Peck, the sum of twenty two pounds eleven shillings and two pence; To James Aplin, the sum of twenty two pounds and six pence; To Richard R. Smith, the sum of twenty one pounds one shilling and four pence; To Butler Gilbert, the sum of twenty two pounds eight shillings; To Timothy Morse, the sum of twenty two pounds thirteen shillings and four pence; To John Harper, the sum of fourteen pounds eight shillings; To James Butterfield, the sum of twenty five pounds twelve shillings; To William Ellisen, the sum of twenty one pounds one shilling and four pence, and to Samuel Tubbs, the sum of twenty one pounds four shillings and six pence, being in full for their attendance respectively as witnesses before the house of Assembly during the present session, in obedience to the order of the said house.

To The Serjeant at Arms of the house of Assembly, the sum of twenty pounds, being the amount of his account for expences incurred by him on his journey into the county of Oswego, by order of the said house, to summon the said witnesses.

To Andrew Cannan, a further sum of sixteen pounds; To Benjamin Griffin, the sum of sixteen pounds; To Jacob G. Fonda, the sum of sixteen pounds, and to Nathaniel Wattles, the sum of twelve pounds, being in full for their attendance respectively before the house of Assembly, during the present session, in obedience to the order of the said house, of the third day of December last, as witnesses in the investigation had relative to the late canvass of the votes for Governor, Lieutenant Governor and Senators.

To Abraham B. Bancker, Clerk of the Senate, the sum of four pounds for each of the Printers in this State, employed by him to publish the proceedings of the Senate relative to the claim of a seat in the Senate by John Livingston, Esquire; and the further sum of one hundred and nine pounds seven shillings and four pence, to compensate the witnesses who have attended the Senate on that occasion, and the messenger for summoning them; and the Treasurer is hereby authorized and required to pay unto John Stakes and Nathan Strong the several sums due them for their respective services as Serjeant at Arms to the Senate, at the rate of sixteen shillings per day; and to the executors of David Barclay, deceased, the sum due him for his services as Serjeant at Arms to the Senate during the present session, at the rate of sixteen shillings per day, agreeably to such certificate as may be signed by the President of the Senate.

To the Surveyor General, the sum of forty two pounds for defraying the expences that have arisen on the survey of fifteen lots within the Massachusetts reservation; and a further sum of five pounds twelve shillings, for a reserved lot at Oswego, and a lot reserved for the Indians at Scawyace.

A. D. 1793.
Ind. U. S. XVII.

Treasurer to pay the following sums:
To the Secretary of the State.

To his Excellency the Governor,

To William Calbrath,

To Nicholas Powers and others,

To Andrew Cannan and others,

To the Serjeant at Arms,

To Andrew Cannan and others,

To Abraham B. Bancker,

To John Stakes and others,

And to the Surveyor General.

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14. An act for prescribing the times, places and manner of holding Elections for Senators to represent this State in the Senate of the Congress of the United States of America,	<i>ibid.</i>	45. An act to organize the Militia of this State,	39
15. An act to ascertain and settle the limits and boundaries between the patent of Kayaderosseres and the Half-Moon patent, and to bind the title of the respective claimants,	16	46. An act concerning the settlement of lands, and for prolonging the time for payment of Quit Rents.	45
16. An act for settling the Line or Lines of Division between the town of Schenectady and the patent of Kayaderosseres.	17	47. An act to encourage certain Cotton, Linen, and Glass Manufactories within this State,	46
17. An act to divide the towns of Jerico and Union, in the county of Tioga,	19	48. An act supplementary to, and to amend an act, entitled, "An act for surveying and establishing certain Lines, and dividing certain Lots in the Hardenburgh Patent,	<i>ibid.</i>
18. An act directing the paving Water-Vliet Street, in the county of Albany,	20	49. An act further to amend the Law relative to Lock Navigation within this State.	47
19. An act for the relief of Henry K. Van Rensselaer,	21	50. An act concerning conveyances by British Subjects,	<i>ibid.</i>
20. An act for raising a sum of money, for the Court House and Gaol built in the county of Herkemer, and for authorizing the Sheriff of the said county, to remove his prisoners to, and confine them in the said Gaol,	<i>ibid.</i>	51. An act relative to the Lands appropriated by this State, to the use of the Oneida, Onondaga and Cayuga Indians,	48
21. An act for raising a sum of money in arrear from the late Manor of Cortlandt in the county of Westchester, to Abigail Yeamans; Executrix of the last Will and Testament of William Yeamans, deceased,	22	52. An act for the payment of certain State Agents Certificates,	49
22. An act for the inspection of Seal Leather in the city of Hudson,	<i>ibid.</i>	53. An act to amend an act, entitled, "An act for laying out, repairing and improving certain Public Roads and Highways within this State,	<i>ibid.</i>
23. An act to confirm the partition of the town of Kingbury, in the county of Washington,	23	54. An act for the relief of Hannah Van Dyne and others,	52
24. An act for the relief of Frederick Weisenfels,	24	55. An act to raise money for completing the repair of the Court-House in Albany,	<i>ibid.</i>
25. An act for the relief of Nathaniel Wattles and Medad Hunt,	<i>ibid.</i>	56. An act concerning the Striking of Juries,	53
26. An act for the relief of Benjamin Birdfall and his associates,	<i>ibid.</i>	57. An act to ascertain and settle the Limits and Boundaries between the patent of Kayaderosseres, the patent commonly called the Half-Moon patent, and the patent of Shannondhoi or Clifton Park, and to bind the title of the respective Claimants,	<i>ibid.</i>
27. An act to confirm a division and exchange of a certain tract of land at Kinderhook, in the county of Columbia, granted to John Hendrix de Bruyn,	25	58. An act granting the right of the People of this State in certain Lands therein mentioned,	55
28. An act for the relief of Catharine Paris.	<i>ibid.</i>	59. An act to incorporate the Society instituted in the State of New-York, for the promotion of Agriculture, Arts and Manufactures,	<i>ibid.</i>
29. An act for giving further time to the new Loan Officers of Queens county, to loan the monies in their hands not already loaned,	26	60. An act to alter the Style of the respective Religious Corporations therein mentioned,	57
30. An act to amend the acts therein mentioned, and for building a bridge across the Wall-Kill, in the county of Orange,	<i>ibid.</i>	61. An act relative to the Loan Officers in the county of Montgomery,	<i>ibid.</i>
31. An act to alter the division line between the towns of Schactekoke and Pitts-Town, in the county of Rensselaer, and for repealing the seventeenth section of the act therein mentioned,	27	62. An act to enable certain persons therein named to purchase and hold real estates within this State,	58
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		65. An act concerning Fence-viewers,	61
		66. An act for the relief of John Bailey	<i>ibid.</i>
		67. An act for the payment of the Salaries of certain Officers of Government, and other contingent expenses.	62

